HOW WE GOVERN

FREDRIC P. WOELLNER

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CALIFORNIA STATE SERIES

THIS IS A

CALIFORNIA STATE TEXT BOOK

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Book No. 1

.....*School District*

in .....*County*

Date of issue .....*192*....

HOW WE GOVERN

A TEXT-BOOK FOR THE VOTERS AND THE FUTURE VOTERS OF CALIFORNIA

BY

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REVISED AND ADOPTED
BY THE CALIFORNIA STATE BOARD OF EDUCATION

CALIFORNIA STATE PRINTING OFFICE
SACRAMENTO, 1927

THE GREAT SEAL OF THE STATE OF CALIFORNIA

Reproduced on the Title-Page

The original seal was designed by Major Robert Selden Garnett in the summer of 1849. Everything in it has a definite meaning. The bear was put in to satisfy the members of the first Constitutional Convention, who had been in the bear flag rebellion. The woman represents Minerva, the Greek goddess, who sprang full-grown from the head of Zeus, the father of the gods. In the same way California came into statehood without first being a territory. The thirty-one stars around the edge represent the number of states in the Union after the admission of California. The miner represents labor securing the golden wealth of the state; the water and ships, the great trade between the state and the entire world; the mountains, the glory of her majestic beauty. The word "Eureka" is Greek. It means "I have found it."

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PREFACE

The people of California have passed a law that requires every girl and boy above the fifth grade to make a study of the government under which they live. That is a wise and necessary measure. Who would want to live long in a place without knowing how it is governed? Who would remain so uninformed in a place governed by the very people who inhabit it? Californian Americans must know more and more about their state and nation. "Know your government" is a good slogan to carry through one course of study at least.

Know your government! Some men are indifferent to it. In 1896, eighty voters out of every hundred in the United States cast ballots in the presidential elections; in 1900, only seventy-three out of every hundred cast their ballots; in 1912, only sixty; in 1920, only fifty; and in 1924, less than fifty. Even more voters stay away from the polls in city and state elections. As people study their government, they take more interest in it. Boys and girls who know their government will remind their parents and friends about voting. When they grow up, they will allow nothing to keep them from the polls.

Know your government! Ours is a good government. It is being made better every day. Those who learn of its growth love it increasingly. They work for its gradual improvement. But they never slight it in word or deed. They speak respectfully of it. They revere its founders and its officers. They know that there is not a better government in all the world. They know that there are many more people trying to enter the country than to leave it.

Know your government! Boys and girls who keep learning about their government will want to protect it. When they grow up, they will count nothing too great a sacrifice for the peace, progress, and prosperity of their nation and their state.

This book is merely a first step in knowing more about your government. A good plan is to finish one chapter each week. Read the chapter carefully. Then try to answer the problems presented at the end. Compare your answers with those of your classmates. If you have the time, read some part of a reference book or text written from some other point of view.

Not all your knowledge of government, however, is to be had from books. Much can be obtained only from real experience. Watch the city council in session! Plan some excursions. To make them profitable prepare questions to ask the proper persons. Men and women in public life are willing to help earnest girls and boys, and will tell them about their work.

Most parents are interested in government. All of them are interested in their children. Would it not be helpful to take the questions of the various chapters home for discussion? In this way much could be learned of American life and politics.

The daily newspapers and magazines contain many articles of interest to any one studying government. A scrap-book containing clippings would make a good supplement to this text.

In the appendix there is a dictionary of political terms. This dictionary should be used in connection with the study of each chapter. Sometimes a simple, well-known word might have been used to advantage. But the political term was used to acquaint the student with it.

Not everything can be learned in one year. Not all can be taught in one book. More courses should follow this one. Many other books should be read. One gets to know American life and politics only by constant study. One becomes a better Californian and a better American only by advancing step by step. Let us take this first step, determined to know our government and, knowing it, to love it sincerely.

TO THE TEACHER

This text contains valuable and interesting material on American Government and life, local, state, and national. A complete mastery of all its facts can hardly be expected of young students. Memorizing page by page would prove a difficult, if not an impossible, task. The selection, organization, and presentation of the material have been made to fit a different plan from that followed in systematic assignments, readings, and recitations.

The title of each chapter, the many questions raised throughout and at the close of each chapter, together with other questions that are suggested to the teacher, offer practical ways of giving purpose and direction to the study. They become entering wedges into the material presented. Excursions, mock trials, make-believe city councils, boards, etc., should be organized, and employed to make the material more vital and practical. In this way the text becomes a general guide to both student and teacher in setting problems, in examining the material of the several chapters, and in giving stimulus to further reading.

The Appendix, Chapter XV, and the Bibliography should be used largely for reference. The material included may be mastered through the carrying out of activities and problems. The daily newspapers, magazines, local current events, and civic problems presented to the class by individual students will furnish many opportunities for using this material.

The books listed at the end of each chapter will aid the teacher in supplementing the chapter with material of a richer content.

The illustrations of the text should be studied. Other pictures should be presented to supplement them. A picture of an accident of local interest might be presented; the facts of the case analyzed; some compelling statistics added. For instance, the teacher may say: "Two people are killed by accident every hour in the United States. What can be done to prevent this?" The class is immediately projected into a consideration of the question of safety. A whole lesson could be devoted to such a picture and to such a question in furthering the mastery of the material of the text.

Analyses of certain "cases" should be made. A lawsuit of local interest may be employed to vitalize the material of Chapter X. The mastery of the portions of the chapter throwing light upon one such case will prove to be more valuable than an attempt at assimilating all of the chapter without reference to any one particular interest.

Each chapter may be vitalized through devices of a popular nature. The interested teacher can find suggestions in such studies as Hill's "Standard Texts in Civics"; Upton and Chassel's "A Scale for Measuring the Importance of Habits of Good Citizenship"; Dunn's Leaflets in Civics, published by the National Bureau of Education; and Hatch's "Training in Citizenship."

The teacher must keep in mind the purpose of this text. It is not intended that the student commit to memory an array of facts. We are primarily concerned with leading students to recognize the rights, duties, and dignities of American citizenship in California. Proper attitudes, undivided loyalty, and intelligent methods of attacking civic problems must be the guiding ideals of conducting this adventure.

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HOW WE GOVERN

CHAPTER I

THE REAL BUSINESS OF LIVING TOGETHER

Traffic "jams."

How do you account for the difference between the two pictures on page 3? In which situation are pedestrians and drivers safer? In which are they happier? In which are they freer? In which do they reach their destination more quickly? These questions may be easily answered. But what they imply is not always understood at once. Let us see if we can grasp a deeper meaning of these pictures, these questions, and their answers.

Which of these two pictures is more like the condition found in your playground? Why? Which of these more nearly represents the condition in your schoolroom? Which more nearly represents the situation in your home? Where else might you find situations like these pictures? Answers to these questions show two kinds of situations that may be found anywhere.

Without control vs. with control.

The upper picture on page 3 shows one kind of situation. In it each person is trying to do as he pleases with little or no regard for others. The lower picture shows another kind of situation. In it each person is acting according to certain regulations made for the greatest good to the greatest number. Which situation is the better?

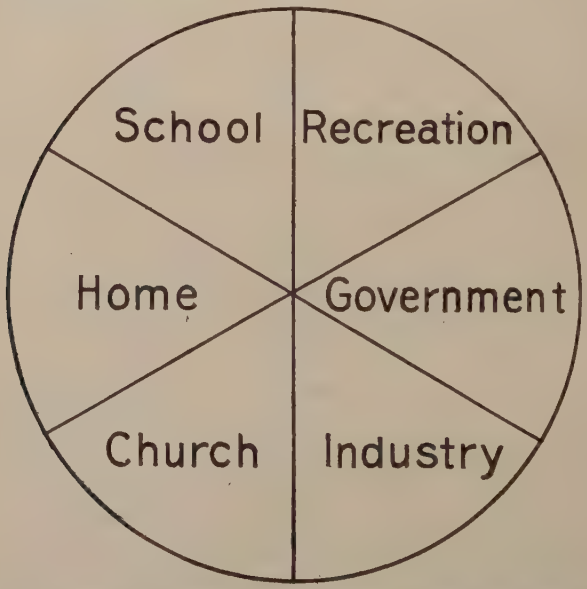
Life "jams" or connections.

Life is always like these two pictures. Persons are always mingling in groups. There is no way to avoid this. Even the hermit is a part of the group. He was part of a family. He was united with others long enough to learn how to dress, to talk, and to get food. He is still a part of the state that pro-

tects him and makes certain demands upon his time and energy. He is still a part of those who live after him whether he recognizes it or not. No one lives by himself. No one can for any length of time. Only a very small number would think of attempting a solitary life.

Living together to-day.

The real business of living concerns itself with living together. The normal man has neither the ability nor the desire to live alone. Room is lacking if many had such ability and desire.



Men are united for better or for worse. But they are united. One can see the real situation in the above diagram.

The circle represents the individual. The divisions of it represent groups of persons to which the individual is connected in one way or another. The relative size of these divisions represents the amount of time and energy the individual devotes to each group.

SANTA MONICA AND WESTERN AVENUES, LOS ANGELES.
A traffic jam, 12 o'clock noon.

SANTA MONICA AND WESTERN AVENUES, LOS ANGELES.
Traffic moving, 12.05 P. M.

Suppose the circle represents you. Suppose the divisions represent groups to which you belong. How would you draw the figure on page 2 to show how you distribute your time and energy? Why is the figure you have drawn not balanced as is the figure on page 2? Why should it be more balanced than it is? What can you do to make it more balanced?

One boy divided his circle like this:

What does this drawing show about this boy? Many persons would divide their circle even more out of balance. Some might leave out one or more entire divisions.

Living together yesterday.

Ask your father to draw the diagram to represent his boyhood. Which divisions of his circle are larger than yours? Which are smaller? How do you account for these differences? How many changes were for the better? How many were not for the better?

How would you draw this diagram to represent the average man in colonial times? The early settlers and frontiersmen were not so isolated as one might think. They all participated in the activities of the groups represented by our diagram. The differences between their associations and ours are matters of degree rather than of kind. A brief survey of our history indicates the growth of co-operation between members of every group and between the various groups. This growth was not left to chance. It was directed and controlled, as we shall see.

Living together in early times.

A little over three hundred years ago the first Englishmen settled along the Atlantic coast. They brought with them ideas of government and of life developed by centuries of experience. They also had ideas of their own. They determined to put them together in a great enterprise. They were to establish a new civilization in a new world.

They settled in little groups along the banks of the rivers that flowed into the Atlantic. Before they landed, they had a form of government in mind. The Pilgrims on board the *Mayflower* made a compact for directing their life and government. They desired control and co-operation.

In small communities.

Each little colony became a complete world in itself. It was self-sufficient, often even a law unto itself. Everything was a local matter. The spheres of life were necessarily limited.

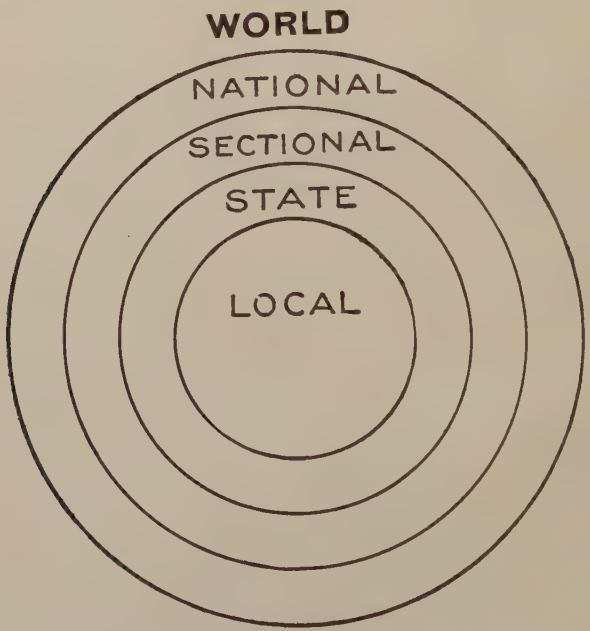
The savage enemy who lurked in the forests, the distance from their native land, hunger and cold, the wealth of natural resources all around them, and their own determination to succeed conspired to make each group a soulful thing. They began to love the group and the place on which the group settled. The very names Jamestown, Salem, Plymouth took on significance. They became precious.

Each little group worked for the common good. Schools were built. Churches were erected. Roads were made. The necessi-

ties of life were almost common property. They were shared with a generosity that startles us. All these things were accomplished in an orderly manner. Government was determined and executed by the local groups.

In states.

These little local groups began to grow and prosper. Roads were extended. Soon several small groups were united. Within three generations men began



HOW CITIZENSHIP DEVELOPS.

to say "I'm from Virginia," or "I'm from Massachusetts." Jamestown and Salem became secondary matters. Local interests and loyalties were put on a state basis. In like manner state interests and loyalties were extended to include their section of the country, and later were extended to include the entire nation.

In many groups. Americans have always recognized the necessity of living together. As time passed, they lived together on an ever-widening plane. Their co-operative enterprise gradually grew from the local community to the nation. Each form is still retained. Government to-day is at once a local, a state, and a national affair. We shall study each of these forms in the order of their development.

This growth toward greater co-operation was not haphazard or the result of chance. It was directed by common sense, foresight, and experience. It was always kept from developing into extreme forms. Living together was a business that had to be constantly watched.

Anarchy. Living together may run to extremes. Where there are no laws, no traffic officers, no devices for regulating traffic, confusion develops. Where there is no government, the spheres of life run riot. Institutions as controls come to an end. Co-operation ceases. We have a condition that is called anarchy. Living together may go to this extreme.

Over-regulation. Sometimes there is too much regulation. There might be so many laws, such hard-headed traffic officers, so many devices for regulating traffic, that travel would be made too difficult and unpleasant. Where there is too much government the spheres of life become fixed. The individual is suppressed. Nothing is left unregulated. Here we have a condition the direct opposite of anarchy.

Federation. American life and government have avoided both of these extremes for centuries. Our present form of government under the constitution prevents the development of either. It provides a plan for living together in such a way as to insure real safety and steady progress. Regulations are made to safeguard the individual in his proper development. The laws are passed to insure his freedom.

FOR FUTURE STUDY

A. Problems.

1. How does a traffic officer protect one's rights?
2. How does the traffic officer help one arrive safely and speedily?
3. Why cannot anarchy last any great length of time?
4. How would Robinson Crusoe have lived without his friend Friday and the goods he took from the lost ship?
5. On whom do you depend for the necessities of life?
6. Who depends upon you for life's necessities?
7. How would the application of the Golden Rule help situations like that in the picture on page 3? The application of the principle "the greatest good to the greatest number"?
8. How do bees live together? What animals show the co-operative spirit? What animals do not show it?
9. How do we know when there is too much government? When too little?
10. Why must the school have rules? Why must each of the other groups in our diagram have rules?

B. Things to Do.

1. Start a classroom scrap-book for pictures, newspaper and magazine articles related to how we govern.
2. Ask your parents to help you draw the circle on page 4 in such a way as to show the distribution of the family income.

C. Test Yourself.

Make a list of ten persons with whom you came into contact yesterday. How many of them were in a position to tell you what to do? How many of them could you control? How many of them were on the same level with you?

Books.

Fabre, Jean-Henri C.: "Social Life in the Insect World."
Garland, Hamlin: "Boy Life on the Prairie."
London, Jack: "Before Adam."
Myers, J. L.: "The Dawn of History."
Roosevelt, Theodore: "The Winning of the West."
Rowe, H. K.: "Society—Its Origin and Development."
Starr, F.: "Strange Peoples."
Van Loon, H. W.: "Ancient Man."

CHAPTER II

HOW THE COUNTY BECAME THE UNIT OF OUR STATE GOVERNMENT

Mexican California.

California was a province of Mexico from 1821 to 1846. It was only sparsely settled. Most of the land was considered uninhabitable, if not actually valueless. Not much government was needed. Not much government could be established. What was established was carried on through ten large districts into which the province was divided.

The Mexican rule in California was not unlike the Spanish rule of the preceding years. An American from New England or the great northwest might not think well of either of these governments. But there were only a small number of such Americans in California at that time. The great majority of the white inhabitants were Spanish. These people accepted both governments without much criticism.

American California.

California became a part of the United States in 1846 and a state in 1850. The population was increasing rapidly. Gold had been discovered. The extent of her natural resources was beginning to impress itself on more and more people. One of the first acts of the new state legislature was to divide the state into twenty-seven counties (February 18, 1850). As the population increased, more counties were formed by dividing the older ones, until to-day there are fifty-eight.

Counties.

In 1907 a law was passed prescribing the order by which new counties were to be formed. This law was amended two years later. Its provisions were made so exacting as to make the formation of new counties practically impossible.

Townships.

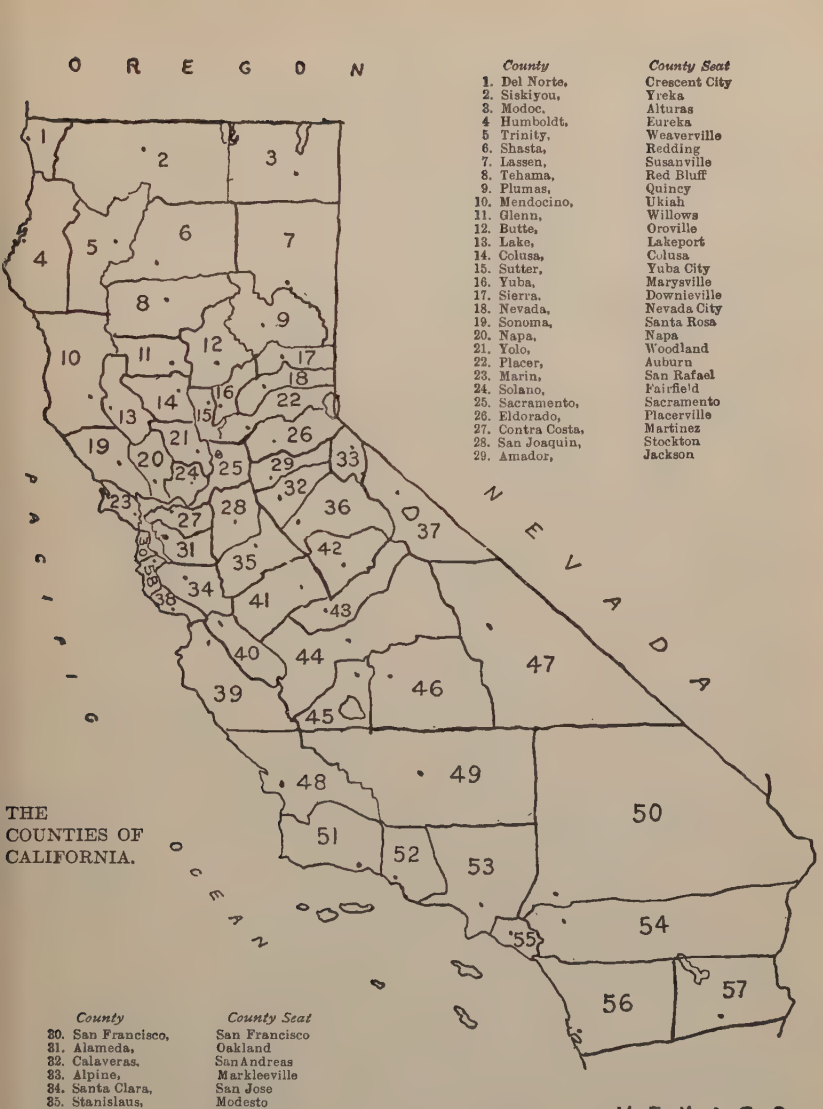
The county is too large for the conduct of all kinds of local government. It is therefore divided into smaller units called townships. There are different kinds of townships in the various states of the Union. A study of them helps one understand the kind adopted by California. One can see in such a study that the township, as many other elements in American life and politics, has more of a basis in history than in reason.

The New England towns.

In the New England states the territory outside the cities is divided into districts called towns. Each of these towns has its own town meeting which levies taxes, appropriates money, passes ordinances, and elects its officers, according to certain general state laws. When the population of a town increases to such an extent as to make this simple type of government inadequate, a city is organized. The city is governed according to a charter granted to it by the state. These towns and cities are the units of local government. They perform most of the functions of government.

New England towns and counties.

Towns and cities are grouped into larger districts called counties. But in New England these counties are little more than a name. They scarcely exist for any other purpose than that of maintaining Superior courts. One can see the reason for the weakness of the county and the power of towns and cities as one surveys the geography of New England. The number of small valleys, the irregular and navigable coast, the unproductive soil, as well as the dependence of the early settlers upon forts and churches made town life inevitable, and made difficult the development of such large organizations as counties.



THE COUNTIES OF CALIFORNIA.

	County	County Seat
1.	Del Norte,	Crescent City
2.	Siskiyou,	Yreka
3.	Modoc,	Alturas
4	Humboldt,	Eureka
5	Trinity,	Weaverville
6.	Shasta,	Redding
7.	Lassen,	Susanville
8.	Tehama,	Red Bluff
9.	Plumas,	Quincy
10.	Mendocino,	Ukiah
11.	Glenn,	Willows
12.	Butte,	Oroville
13.	Lake,	Lakeport
14.	Colusa,	Colusa
15.	Sutter,	Yuba City
16.	Yuba,	Marysville
17.	Sierra,	Downieville
18.	Nevada,	Nevada City
19.	Sonoma,	Santa Rosa
20.	Napa,	Napa
21.	Yolo,	Woodland
22.	Placer,	Auburn
23.	Marin,	San Rafael
24.	Solano,	Fairfield
25.	Sacramento,	Sacramento
26.	Eldorado,	Placerville
27.	Contra Costa,	Martinez
28.	San Joaquin,	Stockton
29.	Amador,	Jackson

	County	County Seat
30.	San Francisco,	San Francisco
31.	Alameda,	Oakland
32.	Calaveras,	San Andreas
33.	Alpine,	Markleeville
34.	Santa Clara,	San Jose
35.	Stanislaus,	Modesto
36.	Tuolumne,	Sonora
37.	Mono,	Bridgeport
38.	Santa Cruz,	Santa Cruz
39.	Monterey,	Salinas
40.	San Benito,	Hollister
41.	Merced,	Merced
42.	Mariposa,	Mariposa
43.	Madera,	Madera
44.	Fresno,	Fresno
45.	Kings,	Hanford
46.	Tulare,	Visalia
47.	Inyo,	Independence
48.	San Luis Obispo,	San Luis Obispo

	County	County Seat
49.	Kern,	Bakersfield
50.	San Bernardino,	San Bernardino
51.	Santa Barbara,	Santa Barbara
52.	Ventura,	Ventura
53.	Los Angeles,	Los Angeles
54.	Riverside,	Riverside
55.	Orange,	Santa Ana
56.	San Diego,	San Diego
57.	Imperial,	El Centro
58.	San Mateo,	Redwood City

South Atlantic counties.

The situation in the south Atlantic states is in marked contrast with that in New England. The broad and fertile valleys, the long and sluggish streams, and the poor harbors stimulated farming and scattered people over wide areas. The county became the logical unit of government. It became the principal factor in local government. Only minor functions were delegated to such smaller units as were called townships or parishes.

Southern cities.

The cities in that part of the country have the same type of local government and power as that found elsewhere. But the rural districts look to the counties for almost everything. As the people of the South pushed westward they carried with them this type of organization. There was nothing in the newer situations of the West that required any change in their plan of local government.

The compromise plan of local government.

However, as the people from New England pushed westward, they came upon a different kind of a land situation from that to which they were accustomed. But they refused to give up their ideas of local government. They insisted upon bringing in the "township." Therefore, in Ohio, Indiana, Illinois, as in New York and Pennsylvania, counties and townships have almost equal power. Both are public corporations with specific powers. They divide the work of rural local government between them. This is called the "compromise plan" of local government to distinguish it from the township plan and the county plan.

Local government in the United States.

Thus we see that four kinds of local government developed in the United States —the township, the county, the compromise township-county, and city government. Which kinds are best suited to the needs of California? Why? It so happens that all of these plans were adopted by California. The cities were allowed to develop their own govern-

ment. The county type was accepted for the rural districts because of the extended areas. The township was not completely omitted because the early settlers brought with them the idea of this type of local government.

In California.

There are three kinds of townships in California. None of them is a public corporation. None owns property or collects taxes. But each is interesting in its own way.

Congressional townships.

A Congressional Township is created by United States surveyors who block the original land belonging to the United States Government into areas six miles square. They are found in every state in which the national government possesses land. These townships of thirty-six square miles are divided into thirty-six sections which are further divided into quarter sections of one hundred sixty acres each. These townships are used only to locate and describe land.

Judicial townships.

The Judicial Township is found in every county in California save that of San Francisco. This kind of township is merely an election district for choosing justices of the peace and constables, who are paid by the county. The civil jurisdiction of these officers is limited to the township but their criminal jurisdiction extends throughout the state. The Board of Supervisors divides the county into as many of these townships as it deems necessary. The county is so divided that every part of it falls into one of these townships. Sometimes one of these townships includes a part of a city as well as a part of a rural district.

Townships in name only.

The third type of township in California, known as the New England township, is permitted but does not exist in fact. The very geography of the state requires a larger unit of government. This unit is the county.

FOR FUTURE STUDY

A. Problems.

1. How many kinds of townships are found in the United States?
2. Under what conditions is the governmental type of township advisable? The judicial type? The congressional type?
3. What is the name of the constable of your township? What are the duties of a constable?
4. What is the name of the justice of the peace of your township? What are the duties of a justice of the peace?
5. Why is the criminal jurisdiction of the justice of the peace not limited to his township?
6. How many judicial townships are there in your county?
7. Why is the county the chief unit of local government in California?
8. Why are there so many congressional townships in California?
9. Why must there be a different type of government for a city than for a rural district?
10. Into how many townships is your county divided?

B. Things to Do.

1. Describe some things that are done for no other reason than the one found in the common expression "it was always done that way" (*i. e.*, Halloween).
2. Describe some things that are based on reason.

C. Test Yourself.

Interview your justice of the peace and compare his statements with those of this chapter.

Interview a deputy sheriff to find out the difference between his office and that of a constable.

D. Book.

James, H. J.: "Local Government in the United States."

CHAPTER III

WHAT THE VARIOUS COUNTY OFFICERS MUST DO

County organization.

We have learned that the county is the unit of our state government. That unit is highly organized. Many officers are required in the conduct of its affairs. Some of them are elected and some are appointed. By studying their duties one begins to see the importance of the county.

The following officers are elected by county districts:

1. The Supervisors.*
2. The Justices of the Peace.
3. The Constables.

The following officers are elected by the county at large:

1. The County Clerk.
2. The Assessor.
3. The Tax-Collector.
4. The Treasurer.
5. The Auditor.
6. The Recorder.
7. The Coroner.
8. The Surveyor.
9. The Superintendent of Schools.†

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* Exceptions must be noted:

1. San Francisco City and County coincide in area and are governed by a Board of Supervisors of eighteen members elected by the city at large; nine members are elected each two years for a four-year term.

Several counties in the state have special charters and elect the supervisors from the county at large. Los Angeles, San Bernardino, Tehama, and Butte counties have freeholders' charters, as has the chartered City and County of San Francisco.

† The county superintendent of schools of Los Angeles County, by the terms of a special charter from the State Legislature, is elected for an indefinite term and may continue in office during good behavior.

The superintendent of schools of San Francisco City and County is appointed by the Board of Education of that city.

The superintendent of schools of Butte County is chosen by a Board of School Trustees, elected by the people.

10. The Superior Court Judge.
11. The Sheriff.
12. The District Attorney.
13. The Public Administrator.

The following officers may be appointed by the Board of Supervisors:

1. The Health Officer.
2. Four Members of the County Board of Education.
3. The Sealers of Weights and Measures.
4. The Horticultural Commissioner.
5. The Board of Public Welfare.
6. A Live-Stock Inspector.
7. A Fish-and-Game Warden.
8. An Inspector of Apiaries.
9. Roadmasters.
10. Superintendents of County Institutions: Farms, Hospitals, and Detention Homes.

The following officers are appointed by the courts:

1. A Court Commissioner.
2. A Court Reporter.
3. A Probation Committee.
4. A Probation Officer.

Let us briefly consider the powers and duties of the above county officers. A more detailed account can be found in "The Political Code of California."

Officers Elected by Districts

1. The County Board of Supervisors.

This board consists of five members. Each one is elected for four years by the districts into which the county is divided. Their election takes place every even-numbered year, at which time only two or three are chosen. This arrangement makes the board continuous, since the term of office of only a part of the board expires at one time. Their chairman is one of their number. Their secretary is the county

clerk or one of his deputies. A majority constitutes a quorum as well as the number necessary to pass a measure. The board must hold regular public meetings at the county-seat, and may hold special meetings at any time.

WHY IS A PUBLIC LIBRARY A CIVIC NECESSITY?

The board stands at the head of county government. It supervises the collection, safe-keeping, and disbursing of the revenues of the county. It determines the tax rate. It determines the amount of the license fees of all such businesses or enterprises as are carried on in the county according to law but not fixed by the law.

This board represents the county in all its business transactions. It provides for and supervises the erection, maintenance, and protection of county buildings. It takes active charge of all county property, roads, and bridges.

The board controls all elections within the county by dividing the county into election precincts and paying the expenses of elections. It makes such other divisions of the county as are

required—school districts. road districts, judicial townships. and others.

The board must provide for the poor. It therefore erects and maintains hospitals, poorhouses, and other forms of relief.

The board may establish a library system for those parts of the county that have no library facilities. It may grant franchises to bus-lines, street-car and railroad companies. It has power to protect trees and plants, fish and game. It may aid the state and nation in preventing forest fires.

The board has broad police powers, outside of incorporated towns. It has power to make and enforce such regulations as are not in conflict with the general laws for maintaining peace, health, and order.

The board exercises these powers by passing resolutions and ordinances. The resolutions go into effect at once. The ordinances take effect after fifteen days, during which time they are published for public consideration. All of these resolutions and ordinances must conform to the laws of the state. In fact, they are merely made to carry on such business of the state as is delegated to the county by the state.

2. The Justices of the Peace.

The Board of Supervisors divides the county into a certain number of judicial townships. Each township elects one or more justices for four years. Each justice is paid a definite salary by the county. These township courts have jurisdiction in civil cases outside of cities involving less than $300, and in criminal cases wherein punishment by fine is not more than $500, or by imprisonment for not more than six months or by both such fine and imprisonment.

3. The Constables.*

Each judicial township elects as many constables as it has justices of the peace and for the same term of office. Constables must

* Los Angeles County has deputy sheriffs who work directly under the sheriff's office, instead of constables.

attend the sessions of their respective township courts and when required serve the papers of such courts. As peace officers they assist the sheriff in maintaining order in the county and act in his stead when he is absent.

Officers Elected by the County at Large

1. The County Clerk. He is the secretary of the Board of Supervisors. He keeps the minutes of every meeting and publishes such parts as are required. He takes charge of all applications for licenses, franchises, and all correspondence. He forwards to the auditor all warrants signed by himself and the chairman of the board directing the payment of county money.

He is also clerk of the Superior Court. He or his deputy must be in attendance at every session and keep a record of every case. He must issue every order of the court as the court directs.

He is custodian of many county books and papers. He takes charge of the details of registration and voting at every election.* He issues all county licenses.

2. The Assessor. He must make an annual assessment of all property in the county as it exists on March 1 of every year. He must collect personal taxes from those who do not possess any real estate.

3. The Tax-Collector. He must collect all county taxes not collected by the assessor and sell to the state all property on which taxes have not been paid.

4. The Treasurer. He receives and disburses all county money according to law. For the state he collects the state inheritance tax that is due from persons who inherit property within the county. He must keep a strict account of every cent that passes through his office and must make periodic reports to the county supervisors.

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* In San Francisco a "Registrar of Voters" has charge of elections.

5. The Auditor. He directs the treasurer in the disbursement of all county funds. He must see that all claims on the treasury are legal. He must determine the indebtedness of all persons to the county. He must keep the Board of Supervisors in touch with the financial status of the county. He must examine the books of the treasurer periodically. He must make out the tax bills for the tax-collector. The auditor is really the chief financial officer of the county.

6. The Recorder. He must keep on file a copy of all important papers offered for record—deeds, mortgages, wills, contracts, court decisions, marriage certificates, birth and death records, official bonds, building contracts, plans, and specifications.

7. The Coroner. He must hold an inquest over the body of every person in the county whose death may have resulted from other than natural causes. A jury of six or more men as well as competent experts aid the coroner in rendering a verdict as to the cause of death. The coroner may cause the arrest of one, charged by this jury with murder. It is against the law to move or bury a body without a permit. If a body is discovered, the coroner must be notified.

8. The Surveyor. He must survey all lands required for new roads, determine the boundaries of all subdivisions of the county and such lands as are in dispute as to their ownership. He surveys the land for private individuals who pay the usual fees required by law. Therefore he becomes the agent of the Board of Supervisors, the judges of the Superior Court, and of any private citizen. He must assist the surveyor-general of the state in platting state lands within his own county.

9. The Superintendent of Schools. He must supervise the schools of the county so that they are conducted according to law. He must visit every school at least once a year; fill vacancies until the

next election in any board of school trustees; call and preside over teachers' institutes; apportion money raised by the county and state for education, and authorize the expenditure of all school money. He must appoint rural school supervisors if funds are available.

10. The Superior Court Judge

Each county elects at least one Superior Court judge for a term of six years. No matter how many are elected each county is said to have but one Superior Court. In Los Angeles County, where in August, 1927, there were thirty-eight Superior judges and in San Francisco County, where there were eighteen, one is made the presiding judge who divides the work of the court among his colleagues. In the other counties having more than one Superior judge, the work of the court is divided according to an agreement made between the judges.

The Superior Court of the county is the one great court for hearing original cases. All cases involving values above $300, all cases involving the legality of ownership, taxes, fines of any amount; all cases involving wills and divorces, "and all such special cases and proceedings as are not otherwise provided for" must begin in this court. All felony cases and many misdemeanor cases originate in these courts.

This court acts as an agent of the United States Government in naturalizing aliens. It also hears appeals from the decisions of the township and police courts of the cities.

11. The Sheriff.

He must preserve peace throughout the county. In doing this he is aided by the constables and any able-bodied men of the county he may select. He is custodian of the county jail. He carries out the orders of the Superior Court in summoning men for jury service, in making arrests, in selling property for debt, and seizing property held illegally. He assists the courts of other counties, states, and the United States under certain conditions.

12. The District Attorney. He prosecutes all persons in the county against whom there is presented any evidence of guilt. He must attend the meetings of the grand jury to draw the indictments. He must act as the attorney of the county in a case in which the county is either defendant or plaintiff. He must write his opinion of any situation that arises among county officers in the discharge of their duties, if requested to do so.

13. Public Administrator. He must take charge of all the property belonging to persons who have died and have left no will or heirs, or whose heirs have failed to have an administrator appointed. Where there are heirs known, the public administrator sees to it that they receive their inheritance according to law. Where heirs are lacking, he sees to it that the inheritance becomes a part of the state treasury.

County Elections

Time held and terms of office. The regular county election is held on the Tuesday after the first Monday of November every four years (1926 and on). The term of all elective county officers, with the exception of the Superior judges, is four years. The supervisors, justices of the peace, and constables are elected by districts; all other elective county officers are chosen by the county at large. All elective county officers take office on the Monday after the 1st of January following their election.

Vacancies. All elective county officers must furnish bonds to guarantee their responsibility. Their salaries are determined by law. The governor fills any vacancy that may occur in the office of Superior judge and County Board of Supervisors. All other vacancies in elective county offices are filled by the Board of Supervisors.

County government act.

The counties of the state have a uniform government based upon the various "county government acts" of the legislature. Only slight variations among them exist. In the smaller counties, for instance, one man may be elected to fill two or three posts. The offices of auditor and recorder are sometimes united. Sometimes one man does the work of the clerk, auditor, and recorder.

County Appointive Officers

The Board of Supervisors must appoint many important county officers. Every year the board appoints a health officer to enforce the sanitary code of the state and county as well as such assistants as he may require in the discharge of his duties. The board must appoint four persons, who with the elected superintendent of schools constitute the County Board of Education. The supervisors must appoint sealers of weights and measures, who see to it that all scales and measures are accurate. They must appoint a horticultural commissioner from the state civil service list whose duty is to aid the farmers against pests. If a hundred voters demand it, they must appoint a Board of Public Welfare which extends its function to include almost any kind of welfare work. They may also appoint a live-stock inspector, a fish-and-game warden, an inspector of apiaries, roadmasters, various superintendents of county institutions, with duties indicated by their various titles.

The number and variety of county officers indicate the broad character of the work of the county. In many ways the county government touches the people in a more intimate way than does any other kind of government. Therefore, the county should receive more attention and study than is usually given to it.

FOR FUTURE STUDY

A. Problems.

1. Who are the five supervisors of your county?
2. What are the names of the other elective county officers?
3. Who is the most important financial officer in the county? Why?
4. What are the advantages in dividing the county into so many different kinds of districts?
5. Which division of the county is the most important? Why?
6. What are the disadvantages in dividing the county into so many kinds of districts?
7. Why has the county the right to compel a farmer to rid his farm of pests?
8. How many Superior judges are there in your county?
9. Why is it necessary for the county to keep records of marriage certificates, births, deaths, etc.?
10. Define: mortgage, deed, civil cases, criminal cases, contract.

B. Things to Do.

1. Imagine a visit to the county offices in the county seat. Prepare some questions for those officers you would interview.
2. Hold a "mock meeting" of a Board of Supervisors.

C. Test Yourself.

What county office would you like to hold? Why?

D. Books.

Gilbertson, H. S.: "The County."

Maxey, C. C.: "County Administration."

CHAPTER IV

HOW THE COUNTY COLLECTS AND SPENDS MONEY

Sources of income.

1. Taxes.

In the preceding chapter we learned how much the county must do. Many references were made to its financial dealings. Let us now see how the county collects and spends money.

The county can get money from several sources. The first and greatest source of its income is the tax imposed by the Board of Supervisors upon the real estate located in the county and the personal property of individuals residing in the county. The tax rate varies with each county because the state does not fix any limits for nor interfere with county-tax matters. As a result the tax rate in some counties is more than twice that in others. The Board of Supervisors fixes the tax rate according to definite laws. In this regard, very little is left to their judgment. A high tax rate in a county does not necessarily mean therefore that the supervisors are extravagant. Voters are right, however, in asking for explanation of it.

Rate and collection.

The general method for determining the tax rate and collecting taxes is much the same in all counties. By July 1 of each year the county assessor has completed his assessment roll that lists and values all taxable property in the county. The Board of Supervisors adopts a budget of expenditures for the coming year. It then estimates the probable amount to be received from other sources of county income. Then from the amount to be raised by taxation and from the total valuation of taxable property it determines the necessary tax rate.

If the property-owner has notified the county tax-collector that he desires his tax bill by mail, the bill is so sent some time after July 1. Otherwise he must go to the office of the tax-

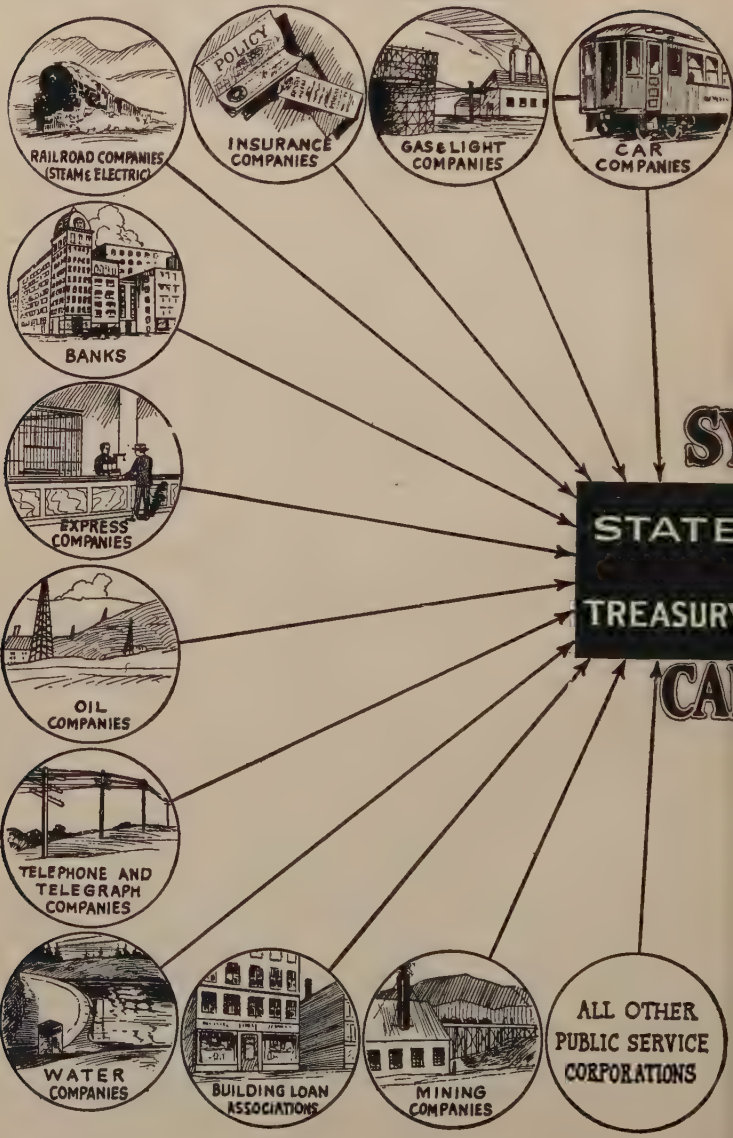
collector each year for his bill. All responsibility in tax matters rests with the property-owner.

Time of payment. All personal-property tax and one-half of realty tax becomes due on the third Monday in October. A fifteen per cent penalty is added if the tax is unpaid by the first Monday in December and a five per cent additional penalty if unpaid by the last Monday of the following April. The remaining one-half of the realty tax is due on the second Monday in January. A five per cent penalty and a fifty-cent cost is added to each item of tax delinquents if unpaid by the last Monday in the following April.

Delinquent taxes. On or before June 8 the tax-collector must publish a list of those who have failed to pay their taxes of the foregoing year. This list gives the name of the owner and a description of the property, the amount due and the date proposed for selling it to the state. The state allows the individual owner to retain his property for five more years after this. If by that time he has failed to redeem it by paying all delinquent taxes, fines, and penalties the state sells the same at public auction. The auction must be advertised in the same manner as the delinquent list, that is, in some newspaper or journal which has been awarded the contract for the same. Such leniency on the part of the state removes all possible risk in holding real estate in California.

Assessment. The property-owner may challenge his assessment. If he thinks it too high, he may bring the matter to the attention of the Board of Supervisors, which body meets at a stated time and hour, some time in July, for this purpose. At this time the Board of Supervisors becomes the Board of Equalization, and as such may revise any assessment made. On examination, this board may accept the assessment or revise it up or down. The board may increase or decrease the assessment on any piece of property.

TAXED FOR STATE PURPOSES



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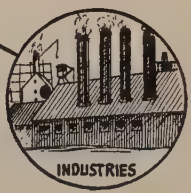

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Exemption. Ex-soldiers and their dependents are entitled to a reduction of $1,000 from the assessed evaluation of their property for taxation purposes if the total value of the property owned by them does not exceed $5,000. This $5,000 includes all taxable and non-taxable property no matter where it is located. The claim for such reduction must be made each year at the time of filing the property schedule with the assessor; otherwise the exemption is not allowed. This exemption is merely a small token of the state's appreciation of the soldier's sacrifices.

2. State treasury. The state treasury is the second source of the county's income. The state superintendent of public instruction apportions the state school fund among the several counties. This is sufficient to defray about one-half of the expenses of the county schools. The state also appropriates money to aid the counties in supporting orphans and abandoned children. The amount is comparatively small, but is in proportion to the number of such children in the county.

3. Fines. Fines constitute the third large source of the county's income. The justices of the peace and the judges of the Superior Court impose many, and sometimes heavy, fines upon law violators. Every cent thus exacted goes into the county treasury. The older practice of alloting a percentage of the fines to the respective justices has been discontinued in favor of fixing a definite salary for them.

4. Fees. Fees for licenses and franchises constitute the fourth source of the county's income. Many fees regulated by law are collected in the offices of the county clerk, sheriff, recorder, surveyor, public administrator, and by the justices of the peace and the constables. Those fees are only required of persons benefited by the county. All such fees are forwarded to the county treasurer. Licenses granted by the Board of Supervisors to corporations and individuals doing business within the county and directly benefited by the

advantages the county affords bring to the county treasury a considerable sum of money each year.

5. Sales. The County Board of Supervisors may sell or rent any property not needed by the county as well as sell such products as are raised and not used by the county poor farm. Such sales constitute the fifth source of the county's income.

6. Bond issues. The running expenses of the county are usually met through these five sources of income. But they do not provide sufficient sums for unusual expenses or for extraordinary undertakings. One could hardly expect a county to build a court-house or a long and necessary road from the income of one year. To meet such expenses the county has to borrow money by issuing bonds.

The issue of bonds is regulated by state law. Before the Board of Supervisors can issue bonds, the matter must be presented to the voters. The amount to be borrowed, rate of interest to be paid, the length of time the bonds are to run, the purpose for which the money is to be used, must be published at least four weeks before the election, and also must be put on the ballot. If two-thirds of the votes cast at the election are favorable, the bonds must be issued and the money spent accordingly. The money thus raised cannot be spent for any purpose other than the one designated. The county may borrow any amount of money in this way but cannot pay more than six per cent or let the bonds run for more than forty years.

Sinking fund. The Board of Supervisors must levy taxes to pay the annual interest on borrowed money. During the second half of the time during which the bonds run, they must not only meet the interest each year by taxation, but must also raise a certain amount fixed by law that becomes part of the fund finally large enough to meet the amount of the bonds when they fall due. This fund, which is gradually

increased during the second half of the term of the bond, is called a "sinking fund."

Disbursements. The county treasurer has charge of all moneys belonging to the county. He disburses the same as directed by law. The Board of Supervisors puts most of the money into certain definite funds. Money can be drawn from each fund only by the board or official having charge of the work for which the fund was provided. Only the Board of Supervisors can draw money from the general fund.

Protection of funds. The procedure in getting any sums from the treasurer is somewhat complicated. But honesty and safety require such procedure. All orders must be drawn on the auditor, who issues the warrant on the treasurer. Unless the auditor and the treasurer concur in the equity of the claim, no funds can be drawn or paid out.

The Auditor. The real responsibility for the expenditure of all county funds rests upon the auditor. His very name indicates his duty—one who makes a careful examination. He must see that the official or board making a claim has the right to do so; that the expenditure is made within the laws of the state; that every form is accurately made; and that the treasury is in a position to make the payment.

The six sources of county income bring vast sums to the treasury. These sums must be properly safeguarded and wisely spent. It is the business of the taxpayers to see that economy and efficiency are observed in every department of government.

Wealth of state. In his report of 1925, State Controller Ray L. Riley placed the total value of state property at $7,035,742,630. This included $3,182,630,112 on real estate; $1,657,002,822 on real-estate improvements; $888,413,602 on personal property; and $66,724,388 on money and solvent credits. He gave the total indebtedness of the counties of the state at $128,038,428.39. San Francisco County and City

leads with a debt of $76,567,400; Los Angeles County came next with a debt of $8,572,599; and Fresno County third with $4,410,000. The wealth of the state is enormous. The indebtedness is small. The resources are unlimited. Every county in the state has a bright future if wise, honest, and progressive leadership develops.

FOR FUTURE STUDY

A. Problems.

1. Why is the auditor considered the principal financial officer of the county?
2. What can the county do with funds held between the time of collecting and spending them?
3. Why are justices of the peace and Superior judges paid a straight salary instead of a commission on the fines they impose?
4. How does the county provide justice for the taxpayer?
5. How does the county safeguard the spending of its money?
6. How and when should a person go about challenging his assessment?
7. Examine a county bond: Why was it issued? What is the rate of interest? For how many years does it run?
8. Why are county bonds considered good investment?
9. How is the county related to the state in a financial way?
10. What companies operate in your county on franchises?

B. Things to Do.

1. Find out how much money the county treasurer made for your county by wisely loaning, at interest, moneys entrusted to his care.
2. To whom was it loaned?
3. For what time was it loaned?

C. Test Yourself.

When are bond issues necessary?

D. Books.

Fitzpatrick, E. A.: "State and Local Finance."

Towne, E. T.: "Social Problems."

CHAPTER V

HOW A COMMUNITY INCORPORATES

City corporations.

County government was primarily devised for rural districts. Such government would tend to become inadequate in highly populated areas. Cities and towns have so many interests and wants that they require a particular kind of government. Therefore the California state law permits any community with a population of 500 or more to organize and incorporate. Such a corporation is called a "city" or a "town" as it chooses.

How cities incorporate.

The law prescribes a definite order to be followed in incorporating a community. Fifty voters included in the area must sign a petition stating the boundaries of the proposed city or town; the population included; and requesting that the community be permitted to incorporate. This petition must be presented to the County Board of Supervisors.

The Board of Supervisors examines the petition to ascertain its correctness. If the board is convinced of the correctness of the data, and that the proceedings have been according to law, it then calls a special election in the community to see whether a majority of the voters favor incorporation or not. At this election officers of the new town or city are chosen.

If the majority decide for incorporation, the Board of Supervisors issues a proclamation which declares the community incorporated, states its name, boundaries, newly elected officers, and the class to which it belongs. A copy of this proclamation is forwarded to the secretary of state, who records the facts in the case. The community is then officially known as a municipal corporation of the state.

Classes of cities.

The incorporated communities of California are divided into ten classes. The first class includes those with a population of 500,000 to 550,000;

the first and a half class, those with a population of over 550,000; the second class, 100,000 to 500,000; the second and one-fourth class, 70,000 to 100,000; the second and a half class, 55,000 to 70,000; the second and three-fourths class, 35,000 to

HOW DOES SUCH AN ENTRANCE TO A CITY AFFECT ONE'S IMPRESSION OF IT?

55,000; the third class, 23,000 to 35,000; the fourth, 20,000 to 23,000; the fifth, 6,000 to 20,000; the sixth, less than 6,000.

The original act classifying cities divided them into only six groups according to population. A charter was adopted for each group. This charter outlined the plan of government to be followed, and listed the powers granted the corporation. Thus the cities in each class could be considered and treated together.

The legislature added two more classes later. In 1897, class "one and a half" was added to make possible an adequate

number of police judges for Los Angeles. In 1911, class "two and a half" was added to make possible the provision of an adequate number of clerks for the police courts in Berkeley, Sacramento, and San Diego. In 1921 an act was passed by the legislature providing for the ten classes of cities given above. Some cities are governed according to a freeholders' charter.

Freeholders' charters.

A "freeholders' charter" is a special type of charter not included among those of the various classes. Any incorporated city with a population of more than 3,500 may select fifteen landowners to devise a plan of government. If this plan be ratified by the voters, and be approved by the state legislature, it becomes the charter of the city.

Only the voters of the community can amend a freeholders' charter. The city council must submit all amendments of such a charter to the voters. A petition signed by fifteen per cent of the voters requesting specific changes in the charter compels the city council to submit the same to the people at the next election. A majority vote is sufficient to make the terms of the petition a part of the charter if ratified thereafter by the legislature.

All of the larger cities of the state operate under freeholders' charters. The very method of granting them leads to great variety. According to the plans of some of these charters, the mayor has more power than other branches of government. San Francisco has a charter of this type. According to other plans, the power of the mayor and of the other branches of government is about evenly divided. Los Angeles has a charter of this type. In others, the power of the mayor is almost nothing. Pasadena has a charter of this type.

Commission Plan of city government.

Some of the freeholders' charters provide a city government that has been called the Commission Plan. It was originated by Galveston, Texas, when that city was

almost completely destroyed by a tidal wave some years ago. The plan had so many merits that hundreds of cities all over the country adopted it. Oakland is the leading city in California operating under this type of city government.

The chief feature of the Commission Plan of city government is the small number of men elected to carry on all affairs of the city. Usually but five men are elected to act as the governing

WHY DO THE PEOPLE OF PASADENA HAVE THIS TOURNAMENT OF ROSES EACH YEAR?

board. This board or commission elects a chairman who may be considered the mayor. The other members or commissioners are each given charge of particular departments: one has charge of public safety, another of public service, and so on. The Commission Plan reminds one of the way a large business is governed through its board of directors.

City Manager Plan. Some of the freeholders' charters provide a city government that has been called the City Manager Plan. This plan developed from the Commission Plan. According to this plan, a small commission is elected by the city to act as a governing board. Their chief duty is to employ an expert to carry on the affairs of the city. This expert, or city manager as he is called, acts as the superintendent of a large business. He must see that all the departments of the city are efficiently conducted.

Staunton, Virginia, was the first city in the United States to adopt the City Manager Plan of government. In 1927, many of the leading cities in California, such as Sacramento, Long Beach, San Jose, Pasadena, Stockton, and Berkeley are governed according to this plan. It will be interesting to watch this experiment in city government and to judge of its success.

The Commission and the City Manager plans of city government are still in the experimental stage. One can hear many arguments for and against each of them. The future will have to settle the question of their merits and demerits. So far they simply show that city government as it has been carried on does not meet with unanimous approval, and that some cities are willing to try another plan. Such experimenting will benefit all the cities in the nation. It is possible to learn by the failure and success of others.

Special charters. Three cities—Nevada City, Gilroy, and Santa Clara—operate under a special charter originally granted by the legislature. These charters were granted before 1879, as the new constitution of that date forbids the legislature to grant them.

These different kinds of city charters show how hard it is to understand city government. Such variety shows that no one plan of city government has been found to be entirely satisfactory. The differences may continue forever. More plans may be formed. On the other hand, one plan may be finally adopted

for all cities. Which plan do you think will finally be accepted? Why do you think so? Read over again the description of the various plans and make a careful study of one particular city's charter. Perhaps this will help you answer these questions.

Growth of cities. The cities of California are growing rapidly. This growth may lead to certain changes of government. In the first place, the city moves to the class of cities warranted by its latest census. Under the circumstances new laws affect it. It may then vote to change its charter if it so desires. In the second place, a great increase in population of one city may lead others near by to seek union with it.

Consolidation. Two cities may be united in either of two ways. By the first, they may be consolidated if the majority of voters in both cities approve. By the second, a smaller city may be annexed to a larger one, if the majority of voters in the smaller city and the council of the larger city approve. No section or part of a city can be excluded from the city without the consent of the majority of voters in both the city and the territory involved.

Metropolitan areas. All the cities lying close together are practically united whether they consolidate or not. Oakland, San Francisco, Berkeley, and Alameda have many common interests. In the same way, Santa Monica, Long Beach, and Los Angeles are united. Such a group of cities is called a "metropolitan area." There are many reasons for putting such an area under one government. Of course, there are also many reasons for not doing so. The special interests of the metropolitan area can be best served and safeguarded by special boards, commissions, and committees. If they are broadly representative they can help the whole area to grow and develop.

An incorporated city is similar to other public corporations and "quasi" public corporations in many ways. All public corporations act according to charters definitely stating their

powers and plan of operation. But it must be remembered that the incorporated city is much freer in the exercise of its will than is any other public corporation. Its charter is broader and more flexible. It really makes local self-government possible. In California the various local units of government are given as much power as they require in meeting their local needs and problems.

FOR FUTURE STUDY

A. Problems.

1. What are the advantages of consolidating two neighboring cities?
2. What are the disadvantages of consolidating two neighboring cities? (Consider a particular case appearing in the newspapers.)
3. How does California provide for the self-government of cities?
4. Why must cities be more or less free from state and county control?
5. What is the difference between a city and a town according to California law?
6. What kind of city charter do you think is best?
7. What kind of men should be elected as freeholders to plan a charter?
8. What is the difference between a city and a county?
9. Why are counties apt to be liberal in their associations with the large cities of the county?
10. Why is a city more responsible than a county in the conduct of its affairs?

B. Things to Do.

1. Plan an advertising campaign for your city. (See the Chamber of Commerce or Board of Trade for suitable material.)
2. How did your city incorporate?

C. Test Yourself.

What advantages resulted from the incorporation of your city?

D. Book.

Beard, C. A.: "American City Government."

CHAPTER VI

WHAT THE VARIOUS ELECTIVE MUNICIPAL OFFICERS MUST DO

In the previous chapters we saw how many kinds of city charters are in use in California. We learned something about the different ways in which the cities are organized and conducted. Regardless of all these differences, there are found certain officers in all of them that have similar functions. Let us now study the duties of these officers and the way in which they perform them.

Governing boards. In all our American cities, there is a governing body called either the Council, the Board of Aldermen, Board of Trustees, Board of Commissioners, or Board of Supervisors. In California the number of members on the boards of the various cities ranges from five to nine, with the exception of San Francisco City and County, which has eighteen. The power of the board varies from that of merely discussing the needs of the city to that of controlling the affairs of the city within the law of the state and the charter.

Duties. This central board or council is not unlike the County Board of Supervisors. It is organized to issue orders, to pass resolutions and ordinances for the control and direction of the city's activities. In every case, no less than a majority is required. According to some charters, the passing of a measure is final; according to others, the action may be vetoed by the mayor or by the people who pass on it at the following election. Some charters even grant the people the power to pass resolutions and ordinances. In such cases the council or board is required to accept them.

Ordinances. A certain form is usually observed in passing ordinances. The council or board appoints a special committee to study and to word the proposal.

All ordinances are discussed in several general meetings in the usual parliamentary manner. If the measure passes, several days must usually elapse before it goes into effect. For instance, the granting of a franchise to a public-utility corporation would be too important a matter to be determined in haste.

WHY SHOULD EVERY CITY STRIVE TO MAKE ITS STREETS BEAUTIFUL?

Resolutions. Matters of minor importance are met by resolution. Resolutions are passed with greater speed than ordinances, and usually go into effect at once.

Powers of city boards. The charter states specifically what powers are granted to the council or board. In all cities they have the power to levy taxes; to appropriate the money of the city; to conduct the business of the city in constructing and furnishing new buildings and in maintaining the old ones; in providing for the construction of streets, sewers, and lights; to grant franchises to public-utility corporations and licenses to individual peddlers, venders,

newsboys, etc.; to keep the city clean, moral, and in peace; to regulate business so far as public safety and health require it; to abate nuisances, etc.; to control public highways, parks, docks, etc. The duties and powers are varied and broad. But all are listed and prescribed in the charter.

THERE ARE MANY PLACES WHERE THE PEOPLE MAY FIND WHOLESOME RECREATION.

According to some charters, the council or board executes the resolutions and ordinances that are passed. This is especially true of those based upon the Commission Plan of government. According to others, the execution is left to the mayor and the various city departments.

Executive heads of cities.

Many cities in California have no mayor elected by the people. All cities using fifth and sixth class charters and several others using special freeholders' charters require the council or board to select one of its number as president, who is the nearest

approach to a mayor that the city has. He represents the city at social functions, presides over the council or board, and supervises the business of the city. His power, however, is comparatively slight. In this type of city, the mayor reigns more than he rules.

Mayors. Most of the freeholders' charters provide for the election of the mayor by the people. His power in such cases is varied and extended. He appoints many important officers who serve the city at his pleasure. He frequently has power to veto measures of the council. He becomes the real head of the city in the conduct of its affairs, as well as in the determination of its policies.

Varying powers. The office of mayor presents a peculiar problem to the student of politics. If it be vested with great power, it can be made to serve special interests, to build political machines, and to defeat the popular will, as well as to fix responsibility and make it easily seen. If it be vested with little power, responsibility becomes scattered and hard to determine, real leadership becomes impossible, the will of the people is not expressed in action. It is hard to say how much power should be given a mayor.

State laws require municipalities to enforce certain measures within their respective boundaries. Some municipal officer must be made responsible for doing this. Who should it be if not the mayor? There is little wonder then that the various communities in the state have worked out all kinds of ways to meet these problems. Every imaginable type of mayor is found in some part of the state.

Pressure on city officials. The mayor and members of the council or board are at the strategic places between government and business. The business involved in supplying the city with transportation facilities, gas, light, streets, sewers, administrative buildings, and equipment offers great opportunities for service and for selfishness of all

kinds. Companies are sometimes willing to pay well for privileges that only the officials of the city are able to grant. The officials therefore must not only be alert but also honest and conscientious.

Dishonesty. A certain company wanted to build and to operate a moving sidewalk in one of the downtown tunnels of one of our large cities. The company asked the city council for a franchise granting this privilege. While the subject was debated, two councilmen were caught accepting money for their pledges to work for the granting of the franchise. They were arrested and removed from office. They had betrayed their city. This tends to throw suspicion upon all officers of the city, the great majority of whom are above reproach.

Inefficiency. The tax income of large cities is enormous. Much of it is often wasted through mismanagement. The best judgment is not always followed. The needs of the future are not always seen and appreciated. The best men are not always consulted. The voters must see that they choose wise and discreet officers.

Problems. City government has been the chief point of attack by the critics of American politics and life. There is no doubt about the truth of much that has been said and written against the cities. But it must be remembered that cases of corruption have been isolated and exceptional. It must also be kept in mind that our cities are of such recent origin and have had such great growth that sufficient time has not been allowed for the development of adequate plans for meeting all the situations that arise. One's respect for American cities increases, however, as one keeps all these facts in mind.

Penalties. The state provides a general method for safeguarding the city from corruption and inefficient acts of its officers. Officers found guilty of corruption are liable

to heavy fines and long imprisonment. In certain cases disfranchisement and the loss of the right to hold office forever are added. Officers who become inefficient are subject to recall.

Three great powers of people. In 1911 the state constitution was so amended as to retain to the voters of the state three important powers. These powers have been designated as the recall, the initiative, and the referendum. The method to be employed in the exercise of these powers is outlined in the law. Sufficient practice in the exercise of these powers has made the method easy and effective.

Recall. If a petition to recall an officer is signed by a number of voters equal to twenty-five per cent of the votes cast for the office at the previous election, an election for a new officer is called in a certain number of days. The one elected assumes office at once.

Initiative. If a petition to pass an ordinance is signed by a number of voters equal to that of ten per cent of the votes cast in the city at the previous gubernatorial election, the measure must be presented to the people by the council at the next election. If twenty per cent sign the petition, a special election must be called by the council. In either case a favorable majority of those voting is sufficient to compel the council to pass the measure as an ordinance. This power of the people to begin measures is called the initiative.

Referendum. If the council or board has passed a resolution, order, or ordinance that is challenged by a number of voters equal to ten per cent of the votes cast at the previous gubernatorial election, it must be referred to the people at the next election. Only a favorable majority of the votes cast can make the measure legal and active. This power has been called the referendum.

The recall, initiative, and referendum provided by the general state law for all cities are included in most of the city

charters. The procedure everywhere is about the same save that the required percentages vary from five to forty per cent. All three of these rights have been frequently exercised. Such exercise has raised many questions. Some people have been led to oppose them. One thing is certain—they deserve further trial before we consider changing them.*

Other city officials. There are many city officials similar to those of the county. Each city has a clerk, an assessor, tax-collector, and treasurer, auditor, attorney, and police judge who perform the usual duties of their respective offices. In some cases they are elected by the city at large; in some they are appointed by the council or board.

Reforms. The problem of deciding which officers should be elected by the people and which should be appointed by the board faced all the charter-makers. Four different ideas arose. They were the "short ballot," the "merit system," the "non-partisan" nomination and election of officers, and the "direct primaries." Let us examine each one of these in detail.

The "short ballot" arose from the desire to elect only a few of the most important officers. As the city expanded and its business increased, experts to carry on its administration became necessary. The voter had neither the time nor the ability, not to mention the inclination, to study all these various lines of civic enterprise and the claims of all the various candidates. To simplify matters, the number of elective officers was limited to the most important ones. These were held responsible for the conduct of the city's affairs.

The "short ballot" led to a system whereby the few elective officers appointed the remaining officers of the city. The

* On page 77 the initiative and referendum are analyzed with reference to state officials and state legislation. In which sphere are they more practical, the city or the state government? Could they be applied to the national government?

appointive system led to difficulties. How should officers be appointed? Who should appoint them? These questions were easily answered years ago.

Political machines. In earlier times some man or a small number of men would succeed in getting control of the "ringleaders," as they were called, and perfected an organization known as a "machine." Acting through this machine they really determined the nomination and election of all officers. Through these officers they controlled all appointments. As a result, appointments were made according to services rendered the machine rather than the city. This method of appointment was called the "spoils system." It was so called because it developed from the idea that election meant victory for a faction, and "To the victors belong the spoils."

Merit system. To-day most people believe that a city is entitled to the services of able men. They are beginning to see that men should be appointed for *what* they know rather than *whom* they know. They are beginning to insist that the best man for the job be appointed. This has led to appointment from civil service lists. This is called the "merit system." This system corrects the abuses of the appointive power and abolishes the spoils system. But, it is not always easy to determine the merit of those seeking a place on the civil service list, from which appointments are made by this system. The method generally employed is that of examination. The various office-seekers are asked to answer questions relative to the work they seek and questions on American government. Sometimes actual tests of ability to perform are made. They are then listed in the order of their standing in the examination and appointed accordingly. In this way the city secures the best possible helpers from those seeking appointment.

Non-partisanship. Two other ideas further reduced the influence of party politics. Men began to question the wisdom of selecting officers on a party basis. They

began to see that a man might be a good police judge in a particular city or a first-rate city clerk regardless of his national party affiliations. A city officer might show good judgment in the conduct of his office whether he be wise in national affairs or not. Such thought finally led to the nomination and election of officers regardless of their political faith and affiliation. The ballot was arranged in both cases without reference to political parties of any kind.

Direct primaries.

The "non-partisan" idea of selection led to the "direct primaries." In the earlier days the various political parties met in their respective conventions and decided upon the persons who would run on their respective tickets. These conventions became the tools of party lords who in reality made their tickets to suit their own purposes. As a result the people were asked to decide between the choices set by a very few men. The "direct primary" was instituted to correct this situation. By this plan any voter may circulate a petition for nomination to any office. If a certain percentage of the voters of the city or of the district sign his petition, his name is placed upon the election ballot. If he receives a majority of all the votes cast for this particular office, he is declared elected. In the event that no one receives a majority, those receiving the highest vote become the candidates of that party at the general election.

Democratic government.

The "short ballot," the "merit system," the "non-partisan" ballot, and the "direct primary" reduced the number of elective officials, increased efficiency, and almost eliminated party politics. These features made voting easier and more effective. Coupled with the recall, the initiative and referendum, they made possible the most democratic scheme of government that had ever been devised. By them the people become the supreme power in every move the city makes. By them the voters are able to elect good men and to control them while in office.

FOR FUTURE STUDY

A. Problems.

1. What are the names of the elective municipal officers in your city?
2. Which is the most important elective municipal officer in your city?
3. What are his duties?
4. How does the charter in your city insure the efficiency of every elective officer of the city?
5. On what grounds should a public officer be recalled?
6. Why is the direct primary the best method of nominating elective officers? What are its disadvantages?
7. What are the disadvantages of electing many public officers?
8. What kind of men should be elected on the city council or board?
9. Why should the voters be given the power to direct the affairs of their city?
10. Why are the initiative, referendum, and recall more practical in cities than for the nation as a whole?

B. Things to Do.

1. Find a specific case of a recall election.

   What were the steps taken?

   What charges were made?

   What was the result?

2. Visit a polling-place on election day.

C. Test Yourself.

Which officers are more powerful—county or city?

D. Book.

Beard, C. A.: "American City Government."

CHAPTER VII

WHAT THE VARIOUS APPOINTIVE MUNICIPAL OFFICERS MUST DO

We have seen how the mayor and council, or board, plan and supervise the work of the city. We have examined the various schemes which have been devised for controlling them in the discharge of their duties. We have noted how appointive officers are selected to carry on the work of the city. Let us now study the work of these appointive officers.

The mayor and council stand at the head of all city government. Various departments are organized to carry out the details. These departments are much the same in every city of the state.

Public safety.

First, there are the departments of public safety. These may be under the direction of one representative of the council or board. Sometimes an expert is employed for this field of activity. He is then known as the director of public safety. He supervises the work of the departments included in this division.

Public safety requires a Police Department, a Fire Department, and a Health Department. The work of each is determined by the charter of the city and the law of the state. Sometimes there is a conflict between these two sources of power. The law of the state would be supreme in such cases as that of crime control. The charter, however, would be supreme in such cases as that of fire protection and health preservation. However, in most cases there is no conflict. The one supplements the other to a remarkable degree.

Police Department.

The Police Department is the most important one in many ways. It must preserve order, suppress crime, and aid every one in need. To preserve order, the department must direct traffic,

control crowds, and prevent disturbances; to suppress crime, it must arrest and secure evidence of the guilt of all offenders against every law and ordinance; to aid all needy ones, it must make special provisions in times of stress and bring relief in special cases at all times. All these tasks require special organizations and men. Traffic officers, detectives, patrolmen, policewomen, vice squads, and numerous clerks are needed.

The Police Department is usually organized upon a military basis. The leading officer is called the chief of police. Under him are captains, lieutenants, sergeants, and patrolmen. These men are assigned to the various districts into which the city is divided.

The head of the Police Department in cities of the fifth and sixth classes is called a "marshal." He is elected by the people. Frequently he constitutes the whole department. In cities operating under the freeholders' charter the council or mayor usually appoints the chief or a commission of three to five men who have charge of the Police Department. In the commission form of city government one of the commissioners has special jurisdiction of this department. In this case the commissioner organizes the department as he sees fit.

Aiding the Police Department. The Police Department may be assisted in many ways. In great crises it may be supplemented in maintaining order by the state militia or the troops of the United States. The earthquake and fire in San Francisco gave unlimited opportunity to hundreds of criminals who took advantage of it in every possible manner. The police were unable to cope with the situation. The state and nation sent aid. A traffic officer occasionally hails an autoist only to see him pick up speed. The officer may commandeer another autoist and order him to pursue the speeder. Any officer may impress any citizen at any time to aid him in apprehending any violator of the law. Every citizen is obligated by law to assist the police in keeping the peace.

Humor and thoughtlessness give rise to many kinds of criticism of the police. However, they are among the most worthy of our public servants. Their duties are many and exacting. They frequently show their bravery and faithfulness. They receive such a small compensation that it is hardly fair for a citizen who is thus indebted to them to fail in his appreciation and regard.

In some cities boys and girls work with the traffic police to prevent accidents on the streets. Sometimes the chief of police allows boys to direct traffic near schools. As a result of this and many other things that the police are doing, children recognize them as their friends.

Fire Department. The fire departments of our cities are almost beyond reproach. The underwriters' association, public opinion, and modern fire-fighting apparatus have helped them to improve these departments until they have won general admiration. The enormous annual loss by fire is due more to the carelessness of individual citizens and the lack of proper laws and education for fire prevention than to inefficiency of these departments.

Fire prevention. There are many ordinances in the various cities that aim at fire prevention. They provide for the erection of buildings requiring a certain type of construction in each of the various districts of the city. Dangerous types of business, such as dry cleaning, are strictly regulated for common protection. Some types of business, such as refining petroleum, are limited to certain areas in the city or are altogether prohibited. Only fireproof structures are allowed in the down-town sections. Various precautions against the origin and spread of fires are required of the different business houses. Inspectors are employed to see that the provisions of these ordinances are observed. In addition, an elaborate system for speedily reporting fires extends throughout the city.

Boys and girls can help their city prevent fires. They should not carry matches or start bonfires where they might spread. They can report the discovery of a fire by sending in an alarm. No one is too small to be interested in trying to prevent destruction that might spread over the whole city.

In some cities the board or council controls and directs the Fire Department; in some, commissioners appointed by the mayor, who in some cases also have the same power over the Police Department; in some, as those under the commission form of government, one commissioner has jurisdiction over the Fire Department. In fifth and sixth class cities the board of trustees directly controls and provides for this department.

The head of the Fire Department is called the fire chief. He may be appointed by the mayor, council, or board, the Fire Commission or commissioner, or selected from the civil service list. The remaining members of the department are selected in any one of these ways or by the chief himself.

The city is usually divided into a certain number of fire districts. In each district there is a fire company with a ladder-wagon and an engine for pumping water. Sometimes there are added a water-tower and other special types of fire-fighting apparatus. A sufficient number of men are stationed in each of these local departments to man this apparatus.

A system is devised whereby the various fire districts aid each other. As one fire company answers the call of a fire-alarm, sent in from any one of a number of posts erected throughout the district, near-by companies advance either to the house occupied by the company called or to the fire itself. In this way every fire-alarm is a signal for the whole department to be ready for action.

Bravery of fire fighters.

Our firemen have won an enviable reputation for bravery and efficiency. They seem willing to hazard their lives at any time to bring persons to safety. They show they have been

well trained in putting out fires. They work all the better under the platoon system. By this system they are not required to be at the fire-houses day and night. According to this plan, they work in eight or twelve hour shifts, as do the police.

There is seldom a fire in a public school. Every school is organized for a fire emergency. Frequent drills keep the children ready to empty the building in a few minutes. With frequent fire-drills and a fine city department no one needs to worry about fires in a school.

The Health Officer. Every city has a health officer or Board of Health, which is a part of the state system for preventing disease. Each month the local health officer must report to the state board all cases of contagious disease.

The fifth and sixth class cities usually have a health officer appointed by the board of trustees. Cities with freeholders' charters usually have boards of health appointed by the mayor. In this case the Board of Health appoints a health officer and such assistants as he may require. Under the Commission Plan of city government one commissioner controls the Health Department.

Duties of Health Department. The chief work of the Health Department concerns itself with the prevention of the spread of contagious diseases. The state and nation endeavor to prevent the introduction of contagious disease by inspecting incoming persons and certain products. Under certain conditions persons may be refused admittance or detained and whole car-loads of products may be quarantined for any length of time. Almost anything may be done to safeguard the health of the people.

Contagious diseases. The law requires any one who discovers a case of contagious disease to report it at once to the Board of Health. Severe penalties are attached to the neglect of this provision whether one be a physician or

not. After the report is received an officer is sent to make an inspection. If the case comes under the provisions of the law, he puts a card on the house of the one so afflicted, notifying the public of the character of the disease. The house is thus under quarantine until the placard is removed by the health officer. Cases of dangerous diseases, as smallpox, may be treated more drastically. The patient may be removed to certain hospitals provided for such purposes.

Prevention of disease.

There are many national and state laws as well as many city ordinances that aim to prevent the spread of disease. Pure-food laws, building codes, and numerous provisions regulating the places

SCENE IN BALBOA PARK, SAN DIEGO.
Why do some cities encourage kindness to animals?

where people gather, make it more difficult for disease to spread. Courses in health, offered in every grade in school, and numerous publications issued by the government, giving useful

information about sanitation and health, do as much as anything else to aid health officers in the prevention of disease.

Boys and girls can help the city to prevent the spread of disease. If they become sick they should seek trained health advisers and if they have a contagious disease they should never touch other children. What boy or girl would be so careless as to allow any disease to spread?

Public safety and public service.

Public safety requires these three well-organized and well-equipped departments of the police, fire, and health. Public service requires many other departments of greater or less importance. The construction and care of public buildings and wharfs; the care of streets, parks, and playgrounds; the control of public utilities; the removal of garbage; these are services that must be rendered. In the smaller cities all this work is carried on more or less directly by the council or board. In the larger cities specific departments are organized. Let us study the more important ones.

One of the most important of the public service departments is frequently called the Department of Public Works. This department is controlled by a commissioner or a board usually appointed by the mayor. Its tasks are many and varied. Each of them, however, is necessary and interesting.

Public Works.

The Department of Public Works constructs and maintains public buildings, sewers, docks, wharfs, streets, etc. It has charge of the disposal of waste, the care of trees along streets, the inspection of the building of private homes and business structures, etc. The work of the department is divided among several divisions, over each of which is a superintendent and sometimes a board. In some cities these smaller divisions are themselves more or less independent departments.

The Department of Public Works carries on its work in two ways. It may provide for certain work being done, as the build-

ing of a sewer, by contractors. The work is described in an advertisement and bids are requested. These bids are usually sealed proposals to do the specified work for a certain sum of money. The board then selects the bid it considers best. If the work is not done by contract, then the board itself must plan it and see to its execution. In either case the board is responsible.

Public Utilities. The Department of Public Utilities is another important one to be found in all the larger cities. This department either supervises the conduct of such public enterprises as the street-car company, water, gas, telephone, and light companies, operated in the city, or manages the same when owned by the city. Cities that own their own public utilities have special departments of government to

WHY MUST EVERY CITY PROVIDE PARKS LIKE THIS?

manage them. Each is usually headed by a commission appointed by the mayor. This commission employs the necessary experts and has supervision of their work.

Municipal ownership. San Francisco operates a part of its street-car system. Los Angeles owns and operates its own water and light system. An increasing number of cities in the state have their own water systems. But municipal ownership of these utilities has not developed on a large scale anywhere in this state or nation. The number, variety, and difficulty of the city's activities are such as to lead to great hesitancy in increasing them. One of the big objections to municipal ownership of too many public utilities lies in the investment that they involve. But public utilities operating for large profits rather than for effective service sometimes force the citizens to take the operation of such utilities into their own hands.

Public Welfare. The third great group of civic enterprises is included in what is frequently termed the Department of Public Welfare. This includes the Park Department, the Playground Department, and the Library Department. Each of these is usually under the control of specific boards or commissions, of three to five persons, appointed to direct the work of their respective departments and select employees of all kinds to assist them.

Civic beauty. The work of the public-welfare departments has greatly expanded in the last two decades. Civic pride and increasing leisure require greater expenditures of money for wholesome recreation and civic beauty. Elaborate plans of parks and playgrounds looking far into the future are being developed especially by the larger cities. Planning commissions are being appointed to provide schemes for dividing the city into districts called zones. Each zone is restricted to a particular kind of building and street. There are provided residential zones of several classes, business zones, manufacturing zones, and so on. The cities are beginning to see themselves in their entirety. They are ceasing to be mere jumbles of business houses and dwellings.

THE CIVIC CENTER OF SAN FRANCISCO.

Why should every city have a civic center?

City Boards of Education.

The department of the city that manages its schools is independent of the central city government. Authority is vested in a Board of Education generally elected directly by the people.* This board elects a superintendent for a term of four years, such deputies and supervisors as are needed, a principal for each school-building, and teachers for all kinds of classes. These appointments are usually made in accordance with the merit system. The Board of Education must look to the city charter rather than the state law for guidance. Since education is more of an affair of the state than of the city, the Board of Education must be in closer touch with the state Department of Education than with the city council or board.

Boys and girls as citizens.

From the point of view of importance, amount of money spent, and the number of persons involved, the schools are the city's chief business. Boys and girls can do much to show that this business is being conducted properly. They can show their appreciation of the kindness of the city toward them. One boy said: "I can at least keep the yard clean by not throwing waste paper over it." Another said: "I will make the most of the opportunities the school affords." All children must try to make the school an object of just pride.

Civil service plan.

Numerous miscellaneous departments are organized by the several communities of the state. There is a Civil Service Commission that prepares the list of candidates for the various appointive offices in the order of their standing; municipal employment bureaus to aid men in getting positions; a department of elections to conduct elections; a city pound to care for stray ani-

*In Alameda the mayor appoints the members of the school board; in San Jose the city manager appoints them; in Sacramento the city council selects and in San Francisco the mayor nominates and the people elect them.

mals, etc. These departments are controlled by special commissions or boards usually appointed by the mayor or are under the management of one or more men directly responsible to the city council or board. In all these ways the city is striving to accomplish the greatest good for the greatest number.

FOR FUTURE STUDY

A. Problems.

1. In what ways is the city government the most important of all?
2. In what ways does the city government serve the citizen? In what ways must the citizen serve his city?
3. What utilities are owned and operated by your city?
4. What utilities should your city own and operate?
5. Which officer in your city is most important? Why?
6. What qualities should a fireman possess? A policeman? A councilman? A plumbing inspector? A health officer?
7. To what extent is your teacher an employee of the city? Of the state? Of the nation?
8. How can a boy show his interest in his city? How can a girl?
9. Why should a city work out a plan for guiding its growth?
10. What should be done to keep the city a real unit of government and of life?

B. Things to Do.

1. How many employees of your city were selected by examination?
2. How many are political appointees?
3. What recommendations for a change would you make? (See Chapter V.)

C. Test Yourself.

Is it easier to build a political machine in a city or in rural districts? Why? (See Chapters V and VI.)

D. Book.

Wright: "Selected Readings in Municipal Problems."

CHAPTER VIII

HOW CALIFORNIA BECAME A STATE

New Spain. Spain organized the first government in California. What is now called California was part of a province extending from Cape San Lucas to Latitude 44°. This province was under the jurisdiction of the governor of New Spain, which included all the territory owned by Spain in the New World.

Cortez was the first governor of New Spain. He held sway in the city he had despoiled—Mexico City, the ancient capital of the Aztecs. Seeking new lands to conquer, he sent out expeditions in all directions. One of these was led by Juan Rodriguez Cabrillo, a Portuguese navigator.

Cabrillo. Cabrillo left Mexico in 1542 to explore the Pacific coast to the north. In three months he entered what is now called San Diego Bay. As far as records go, he was the first white man to set foot on California soil. He continued north, entering the various ports and claiming them for Spain. He died and was buried on one of the Santa Barbara Islands. But the expedition he led continued their explorations for some time longer. As a result of this expedition, Spain laid claim to all the territory explored.

Missions. The governor of New Spain was only the nominal ruler of this new territory. The priests, who later established the various missions there, exerted a greater influence. They not only tried to convert the natives to Chistianity, but taught them to cultivate the soil and to use its products in many ways unknown to them. They helped them order their lives according to Spanish law and custom. The missions represented the real worth and power of Spanish rule.

Mexico. In 1821 the provinces of New Spain, including what is now called Mexico, revolted and established an independent nation. California was a province of this new nation. Not more than 10,000 white persons lived within its boundaries at that time. Only a handful of these were Americans.

A PIONEER HOME IN CALIFORNIA.

Early government. The new republic, Mexico, established a very loose government for California. Two governors were appointed. One was the military governor and was called the commandante, and the other had charge of civil affairs. They were independent of each other but responsible to the central government in Mexico. Mexican

methods of government and the difficulties that were constantly arising in the state made the position of these governors difficult indeed.

Arguello. Louis Antonio Arguello was the first Mexican civil governor of California. He had vision and practical sense. He sought ways and means of aiding the citi-

WHY DO CALIFORNIANS LOVE THE EARLY MISSIONS?

zens in raising cattle and in finding markets for them. But the Mexican Government constantly embarrassed him. A law was passed prohibiting California from trading with foreigners. Military support was withdrawn from him even while the Indians were in active insurrection. Finally he was superseded by a man who was opposed to all his plans. Persecution followed, until he died a broken and disappointed man at the age of forty-six. He was buried in the Mission Dolores and a beautiful marble tomb was erected over his grave.

The alcalde. The government in California under the Mexican constitution of 1837 corresponded very closely to our present state government in plan. However, local government was largely vested in an alcalde. His power was great and far-reaching. He ruled the community as he saw fit. Town councils and courts, while provided for in the plan, were seldom found in operation. The alcalde was mainly the law and whatever government there was.

Mexican misrule. Mexican rule in California was inefficient, corrupt, and short-sighted. Under it industry was held back. The missions were despoiled. Land was given away to the friends of those in power and unlawfully seized from rightful owners. Dissatisfaction grew with the years. The situation finally reached a crisis.

Causes of unrest. In 1846 Don Pio Pico was the civil governor of California. He resided at Los Angeles instead of at Monterey, the official capital. Don Jose Castro was the military governor of the province. He remained in the northern part of the province. It is to be doubted whether he could have raised an army of a hundred men. It is certain that he never had half that number. The rivalry that existed between these two men aggravated the already tedious situation. The few Americans in the province grew restive. A group of these planned and executed a scheme for relieving conditions. What they thought out and accomplished is one of the most interesting bits of California history.

The republic of California. About twenty-four American men, under the leadership of one Captain Ezekiel Merrit, took possession of the Mexican defenses at Sonoma on June 14, 1846, and proclaimed the formation of a new republic. While they officially pronounced its name "The Republic of California" it became known as "The Bear Flag Republic." The reason for this is interesting to all Californians.

The Bear Flag.

Let Mr. William L. Todd, who made the flag of this new republic, tell the story. He published the account in June, 1872:

At a company meeting it was determined that we should raise a flag; and it should be a bear en passant, with one star. One of the ladies at the garrison gave us a piece of brown domestic and Mrs. Capt. John Sears gave us some strips of red flannel about four inches wide. The domestic was new, but the flannel was said to have been part of a petticoat worn by Mrs. Sears across the mountains. For a

corroboration of these facts, I refer to G. P. Swift and Pat McChristian. I took a pen and with ink drew the outlines of the bear and star upon the white cotton cloth. Linseed oil and Venetian red were found in the garrison and I painted the bear and star. To the best of my recollection, Peter Storm was asked to paint it, but he declined; and as no other person would undertake to do it, I did it. But Mr. Storm, with several others, assisted in getting the material and, I believe, mixed the paint. Underneath the bear and star were printed with a pen the words "California Republic" in Roman Letters. In painting the words I first lined out the letters with a pen, leaving out the letter "i" and putting "c" where "i" should have been, and afterward the "i" over the "c." It was made with ink and as we had nothing to remove the marks of the false letters, it now remains so on the flag.

This flag is now the official flag of California. The republic for which it was made lasted only twenty-six days. A rapid succession of events soon brought an end to the republic and the beginning of a state that was to know no end. These events took place in those sections of the United States from which California was almost completely isolated.

The Mexican War. For some time the boundary between Texas and Mexico was in dispute. When Texas entered the Union, the boundary difficulty became a matter between the governments of the United States and Mexico. The United States Government claimed the Rio Grande River as the dividing line, and the Mexican Government claimed the Nueces River as the boundary. Troops from both countries entered the disputed territory. Fighting ensued. On May 13, 1846, Congress declared war on Mexico and invaded the country.

While the invasion of Mexico was in full swing, General Kearny was sent across the Western plains to Santa Fe, where he proclaimed New Mexico a part of the United States. He then marched to California, and reached San Diego in a remarkably short time. There he learned of the formation of "The Bear Flag Republic." He learned about the civil government that had been organized by Stockton and also that Fremont had been made the first governor of the state. There, too, the people of the state learned of the war between the United States and Mexico.

The lone state. Congress was too busy with the Mexican War to aid California. The republic of California had suddenly come to an end and no government had been formed to take its place. Americans had taken the places of the Spanish alcaldes. The military and naval forces of the United States in California exercised such authority as they deemed necessary. But anything approaching state government from the American point of view was wanting. California had left the Mexican fold only to wander alone.

The great issue. By the time the war was over, the United States had succeeded in adding over a half-million square miles to her domains. All this territory raised many problems. These problems were complicated by the slavery question, which had become the chief issue in Congress,

Every problem before Congress at this time was analyzed from the view-point of its effect upon the slavery question. As a result Congress became more concerned with whether California was to be a slave or a free territory than with the question of her government or her statehood.

Webster and Seward.

California had petitioned Congress for admittance into the Union. Daniel Webster and William H. Seward advocated her admittance as a free state. Their speeches in Congress were eloquent and convincing. Webster contended "The law of nature, physical geography, and the formation of the earth settles forever that slavery cannot exist in California." Seward said: "California, rich and populous, is here asking admission to the Union and finds us debating the dissolution of the Union itself. It seems to me that the perpetual unity of the empire hangs on this day and hour. Try not the temper and fidelity of California, nor will she abide delay. I shall vote for the admission of California directly without conditions, without qualifications, and without compromise."

Congress debates; California acts.

Senators from Southern states were equally eloquent. The debate continued for months. In the meantime Californians grew weary. Finally they took the matter in their own hands. They had thrown off the Mexican yoke. They had established a republic. Now they were ready to plan statehood while Congress debated.

The constitutional convention.

A constitutional convention was called. Forty-eight delegates were elected. They met in Colton Hall in Monterey, Saturday, September 1, 1849. They deliberated until October 10, when the final product of their efforts, the first constitution of the state of California, was adopted. That constitution was ratified by the people of the state on November 13, 1849, and proclaimed December 20 of the same year.

Seven of the delegates at the first constitutional convention were Spanish Californians. Of these, Cabrillo and General Vallejo were the leaders. Both of these men were able, experienced, and well informed. There were also three foreigners among the delegates—a Frenchman, a Scotchman, and a Swiss. The remaining thirty-eight delegates were American Californians. Among these was one William M. Gwin, who had come from the South. Another was Mr. R. Semple, who was elected the president of the convention, and another was Mr. William G. Marcy, secretary of the convention. Many of the rest made names for themselves later in developing the state.

The preamble.

The first constitution was brief and comprehensive. The preamble, incorporated in the second constitution that stands to-day, indicates something of the lofty idealism of the makers of this state.

> We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

This preamble shows the fine spirit of the fathers of the state. They acknowledged the goodness of God. They desired to show their appreciation by planning a government that would bring only the blessings of freedom. They were too well acquainted with the abuses of freedom not to safeguard it by such law and institutions as had formed part of their life and the life of their forebears.

Articles of first constitution.

Article I briefly stated the rights of individuals that were above legal interference. These rights were such as the enjoying and defending of life and liberty; acquiring, possessing, and protecting property; trial by jury; professing and worshipping God according to one's conscience; peaceable assembling; speaking or writing any facts, freedom from ex-post-facto laws and

bills of attainder, etc. These were the rights of Americans. They had been bought by untold sacrifices. They were to be part of the government of the state.

The remaining articles outlined a plan of government similar to the one adopted at the great constitutional convention. We shall learn of this plan later.

The first legislature.

The first legislature met in January, 1850, and elected Colonel John C. Fremont and William M. Gwin, the first United States senators from California. They soon set out for the national capital with the new constitution. The new governor, Peter Burnett, began organizing the new state. All this was being done while Congress continued to discuss slavery and the admission of California.

The effect of the discovery of gold.

Congress was just as ignorant of what was going on in California as California was of congressional action. Reports following the discovery of gold in California, Monday, January 24, 1848, and the resulting mad rush across the continent, had further complicated matters. Crises developed requiring immediate action. At last, on September 9, 1850, Congress finally passed the act admitting California into the Union.

Early land problems.

The Californians had won a long and bitter contest. But their joy was soon lessened by the land policy pursued by the United States Government. A law enacted by Congress required every Californian to prove title to the land he occupied. Possession counted for little. The usages of previous governments counted for less. Costly and lengthy trials at court followed. Litigation consumed the values involved. Injustices were committed especially against the early Spanish Californians, who were more honest than businesslike.

Drift toward anarchy.

The more unscrupulous ones were encouraged by the disorders that arose. Murder became common. Conditions were aggravated by the coming of many adventurers from all parts of the world in quest of gold.

The Vigilantes.

California again arose to protect itself. In San Francisco the better citizens organized themselves into a society for the maintenance of law and order. In a short time the society included 7,000 members. They became known as the Vigilantes. These Vigilantes took the law into their own hands for the suppression of lawlessness and crime.

Order and progress.

Other localities followed the example of San Francisco. Sometimes the Vigilantes abused their power, but in the long run they became a strong force for peace and justice. They did much to bridge the gap between the unsettled days of Mexican control and of the California republic, to the beginning of a real state organization and power as a part of the mightiest republic of all times.

FOR FUTURE STUDY

A. Problems.

1. Why did the Mexican Government fail in California?
2. In what ways does Mexico's loss of California remind one of Spain's loss of Mexico?
3. Why did the Indians fall an easy prey to the Spanish, the Mexicans, and the Americans?
4. In what ways can government aid a people in keeping their independence?
5. How would the telegraph and railroad have aided the people in bringing California into the Union?
6. Why did Congress hesitate in making a state of California?
7. Why are state governments necessary in addition to the national government?
8. Why does a state need a constitution?
9. How should a constitution be made for a state?
10. How do you account for the fact that California never was a "territory" of the United States?

B. Things to Do.

Draw a line four inches long representing the period of time from Spanish discovery of California to the present time. Each inch will represent approximately a hundred years. Mark off on this line the lengths to show respectively the Spanish, Mexican, and American rules.

C. Test Yourself.

Compare the settlement of California with that of Pennsylvania (or of some other state in which you are interested).

D. Books.

Bandini: "History of California."

Fairbanks: "California." Chapters I and II.

Salisbury: "Our Boys and Girls' California."

CHAPTER IX

HOW THE LAWS OF CALIFORNIA ARE MADE

The old and new constitutions.

The constitution of 1849 was the basic law of California for thirty years. It was amended from time to time. Many laws were passed by the various legislatures in conformity with the provisions of this constitution and its amendments. In 1876 the legislature submitted to the people a proposition calling for a convention to frame a new constitution. Article I, Section 2, of the constitution of 1849 made this action possible.

The second convention.

On June 19, 1878, the people of the state elected 152 delegates to the constitutional convention. Thirty-two were elected at large and 120 by counties. These delegates met in the Assembly chamber of the state capitol at Sacramento on Saturday, September 28, 1878. The convention adjourned March 3, 1879. The constitution that was framed by them was ratified by the people, May 7, 1879. It gradually went into effect. By January 1, 1880, all its provisions were in force. The change from the government under the constitution of 1849 to that of 1879 was made too gradual and just to occasion any wide-spread dissatisfaction.

The second constitution.

The second constitution is five times the length of the first one. It contains over 40,000 words. Only Oklahoma and Alabama have longer state constitutions. Rhode Island has the smallest, with but 6,000 words. The average length of state constitutions is 16,000 words. There seems to be a tendency toward lengthening them. The reason for this tendency is not hard to understand.

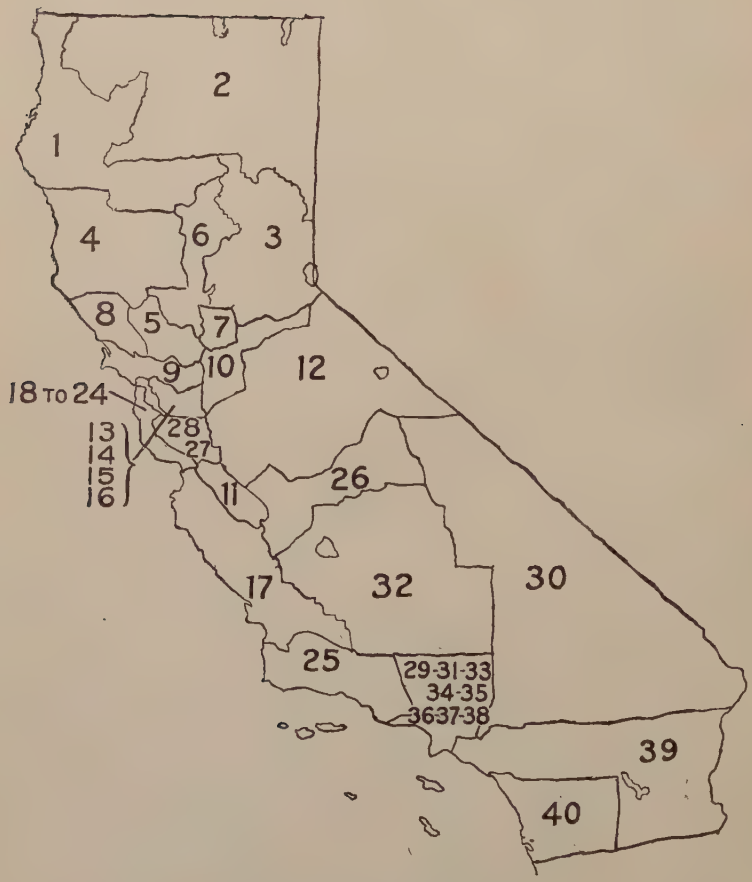
The growing power of the people and the increasing com-

plexity of all the spheres of life require more and more governmental machinery. The growing power of the people and the increasing distrust of representative bodies require more and more constitutional provisions. A constitution for early Californians under Mexican rule might well be brief. But a constitution for the Californians of to-day, who are building an empire, must be comprehensive and inclusive. An extensive empire of free Americans is not easily governed.

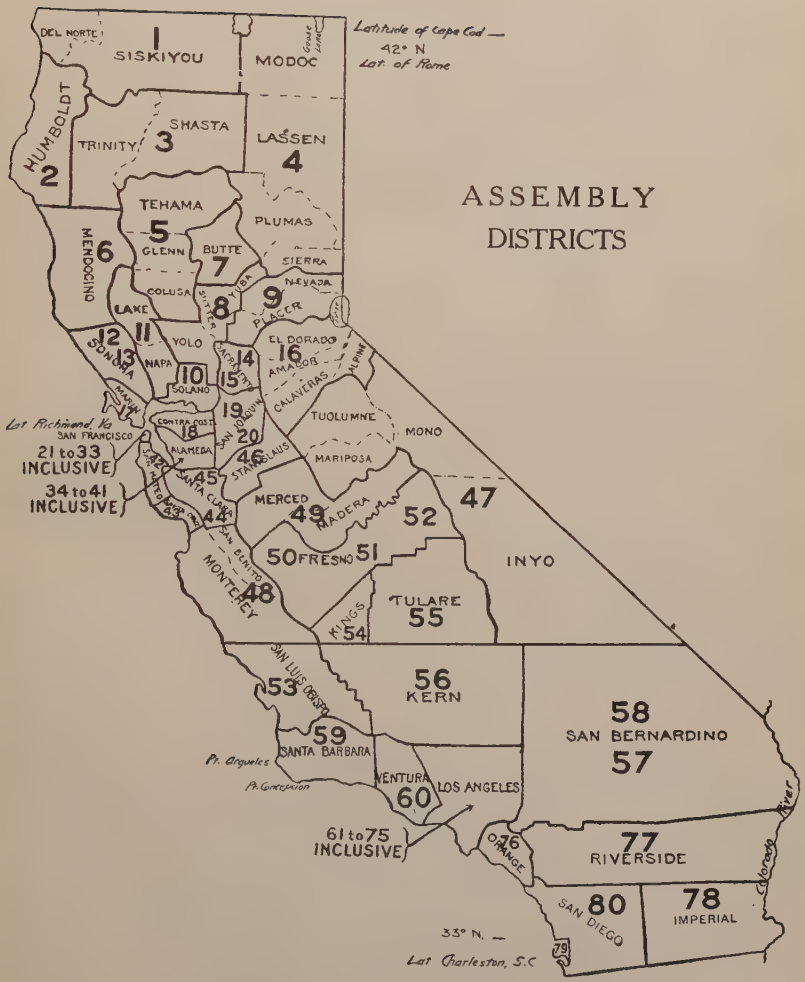
The chief business of a democratic state is to establish a government of laws. The constitution prescribes the kind of laws that can be passed and the manner of passing them. Let us see how laws are made according to our constitution.

The state legislature. The constitution provides for a lawmaking body known as the state legislature. This legislature is composed of two houses, the Senate and the Assembly. The Senate is made up of forty members elected for a four-year term by the forty senatorial districts into which the state is divided. The Assembly is composed of eighty members elected for a two-year term by the eighty Assembly districts of the state. Each senator and assemblyman receives a salary of $100 per month during the entire term of office, besides travelling expenses incurred in going to the capital.

The Senate and Assembly. The organization and procedure of the Senate and the Assembly are similar. The lieutenant-governor presides over the Senate. The Assembly elects a speaker to preside over its sessions. Both houses are divided into numerous committees for the consideration of proposed measures or bills. In 1924 the Senate had forty standing committees, and the Assembly had fifty-three. The members of these committees are chosen by the leaders of the political party in power. Every member of each house is of necessity a member of five or six different committees.



STATE SENATORIAL DISTRICTS, 1911.


ASSEMBLY
DISTRICTS
Latitude of Cape Cod — 42° N
Lat. of Rome
DEL NORTE
1
SISKIYOU
MODOC
OREGON
HUMBOLDT
2
TRINITY
SHASTA
3
LASSEN
4
TEHAMA
5
PLUMAS
MENDOCINO
6
GLENN
BUTTE
7
SIERRA
NEVADA
COLUSA
SUTTER
YUBA
8
9
PLACER
LAKE
11
12
13
YOLO
EL DORADO
SONOMA
NAPA
10
SOLANO
14
15
16
AMADOR
CALAVERAS
ALPINE
MARIN
Lat Richmond Va
SAN FRANCISCO
CONTRA COSTA
19
20
TUOLUMNE
MONO
21 to 33
INCLUSIVE
ALAMEDA
18
SAN JOAQUIN
STANISLAUS
46
MARIPOSA
34 to 41
INCLUSIVE
SANTA CLARA
45
MERCED
49
MADERA
52
47
SAN BENITO
44
50
FRESNO
51
INYO
MONTEREY
48
KINGS
54
TULARE
55
SAN LUIS OBISPO
53
56
KERN
58
SAN BERNARDINO
57
59
SANTA BARBARA
Pt. Arguelles
Pt. Conception
VENTURA
60
LOS ANGELES
61 to 75
INCLUSIVE
ORANGE
76
77
RIVERSIDE
Colorado River
SAN DIEGO
80
78
IMPERIAL
33° N. —
Lat Charleston, S.C

Sessions. The legislature meets once every two years. Both houses convene early in January of the odd-numbered years following the election of the members at the general election held in November of the even-numbered years. The forty-sixth session of the state legislature convened January, 1925. A special session of the legislature may be called by the governor at any time, but it may only consider and act upon the particular matter for which it was called. The first meeting of the regular session lasts for not more than thirty days, during which time bills are introduced and are referred to the various committees. This is followed by a recess of not less than thirty days; after this recess both houses meet until they have finished with their business.

The recess following the first meeting is very important. During this time the legislators and the public have an opportunity to consider the bills that have been introduced. These bills are printed by the state printing department and are distributed throughout the state during this recess.

Origin of laws. Every law in California has originated in one of two ways. It either originates in the legislature and proceeds in a definite order or it originates in an "initiative petition" and proceeds according to another definite order. Let us examine the steps in the first method of procedure. They may be presented briefly.

Writing a bill. *Step One.*—A bill is written that embodies the provisions of a proposed law. Great care must be taken in writing it, so that it will be clear and will conform to the constitution of the state. The state has provided a "legislative counsel bureau," appointed by the governor. The chief of the bureau and his assistants must aid in the preparation of bills on the written request of the governor, or of any member of the legislature while it is in session. The writing of a bill is recognized as a matter for experts.

Its introduction. *Step Two.*—The written bill may be introduced in either the Senate or Assembly, or both. The bill is taken to the secretary of the house in which it is introduced, and is given a number. This is called the first reading.

Referred to committee. *Step Three.*—The bill is referred to a particular committee by the presiding officer of the house. Each committee handles certain kinds of bills.

Work in committee. *Step Four.*—The bill is considered by the committee. The committee is virtually a small Senate or Assembly, as the case may be. Each committee is organized in about the same manner. The committee need not make a special study of every bill referred to it. However, the more important measures are thoroughly studied and considered. During the last six sessions of the legislature 13,987 bills were introduced, and less than 6,000 were reported out of committee. The committee reports the measure back to its house approving the bill as introduced, or suggesting amendments to it. No further action is taken on bills not reported out of committee.

Second reading. *Step Five.*—The bill is given a second reading. The secretary places the bill with the recommendation of the committee at the bottom of the second reading file. The bills are read in the order in which they appear. The title and number of the bill are read aloud and the recommendations for amendment, if there are such, are indicated. No debating is allowed at this time except on these proposed amendments.

Third reading. *Step Six.*—The bill is given its third reading. The engrossing and enrolling clerk must make certain of every feature of the bill. When the bill is reached on the third-reading file, it is presented for open discussion. Any member of the house may take part in this.

Roll call.

Step Seven.—The roll is called to receive the vote of each member on the bill. A majority of votes of the members is sufficient to pass most measures. Some measures, such as to introduce bills after the constitutional recess, require a three-fourths vote of the entire house; others, such as those relating to the constitutional amendment, require a two-thirds vote of all members of the house. Other special bills require a three-fifths vote, and others a majority vote, of all members of the house.

Second consideration.

Step Eight.—The bill is sent from the house in which it originated to the other house by the secretary.

The bill then goes through the same process a second time in this house. This house may refuse to pass the measure. It may amend it. It may confer with the other house on amending it. It may pass the measure as it stands.

Step Nine.—The bill is signed by the presiding officers of both houses.

Power of governor.

Step Ten.—The bill is presented to the governor. He may either sign the bill, thus making it a law, or he may return it to that house in which it originated with his objections to it indicated. The legislature can then adjust it to suit his demands, or, by passing it again by a two-thirds majority, make it a law without the governor's signature.

If any bill is not returned by the governor within ten days (Sundays excepted) after it has been presented to him, it shall be a law the same as if he had signed it. However, the governor need not do anything with bills presented to him during the last ten days of the session, if he so wishes. The bill is thus killed automatically. This is called the "pocket veto" of the governor. During the last six sessions of the legislature 201 bills were vetoed by the first method, and 1,643 by the "pocket veto" method.

Power of people.

Step Eleven.—The bill may be referred to the people at the next election. If within ninety days after the adjournment of the legislature a petition, demanding that a law or part of any law be submitted to the people, is signed by a number of qualified electors equal to five per cent of the votes cast at the previous gubernatorial election, the secretary of state must submit such law or parts of law to the voters for approval or disapproval. If a majority of the voters declare their approval of the measure, it goes into effect five days after the vote is declared. If a majority vote is against the measure, it is lost. If two-thirds of the legislature vote in favor of an emergency measure, it becomes a part of the law without the referendum possibility.

Controls in law making.

Thus we see that the power of the legislature is directed and controlled in many ways. The constitution compels the legislature to do certain things, such as to enact laws for the direct nomination of candidates for office. The constitution requires the legislature to do certain things in certain ways, such as to divide the state into legislative districts without putting a city, with a population entitling it to no more than one senator or assemblyman, into more than one district. The constitution forbids the legislature to do certain things, such as to limit personal rights, freedom of the press, religion, etc.

Checks and balances.

The constitution checks the legislature. The very organization of the legislature into two houses of equal power tends to make one the check on the other. The meeting of the legislature but once in two years or except by the special call of the governor, and then only for a special purpose, checks the legislature. The governor's veto power and the power of the people in the initiative and referendum check the legislature. This first method for making laws insures the making of laws in accordance with the will of the people.

The initiative.

The second method by which laws are made in California is seen in an analysis of the "initiative," to which reference has been frequently made. By this method the following steps must be taken:

1. A certified petition containing the provisions of a proposed law or amendment must be written in detail. The writing is a task for experts. Why? Across the top of the petition must be printed in twelve-point black-faced type "Initiative measure to be submitted directly to the electors."

2. The petition, or "initiative measure," must be signed by a number of qualified electors, equal to eight per cent of all votes cast for the office of governor at the previous gubernatorial election.

3. The petition must be given to the secretary of state, who must submit it to the people at the first regular election occurring beyond ninety days after he receives it, or at any special election called by the governor.

4. A majority of votes cast is necessary to make the terms of the petition a law.

A variation of this procedure is possible although it has never been used. The petition need be signed by but five per cent of the electors and presented to the secretary of state not less than ten days before the opening of the legislature. The secretary of state submits the initiative measure to the legislature, which may accept or reject it without change. If the legislature passes the measure, it must be submitted to the electors by the terms of the referendum. If the legislature rejects it or fails to act on it within forty days, the secretary of state submits it to the people at the next regular election.

The various methods by which the laws of California are made give the people absolute power. The laws cannot help being real expressions of popular will. They should have popular support.

Louis XIV of France once said: "I am the state." If he were all-wise and properly disposed, the people would have no reason

to fear his power. If all his successors were such, the state would have no reason to fear. But who could expect such wisdom and morality in one man, not to mention an entire dynasty?

In California the people say: "We are the state." Californians do not put all their hope and faith in the wisdom and goodness of one man. They place their faith in collective effort. Therefore they need not fear for their safety and progress or the safety and progress of their state.

Citizenship and law.

Californians can have but one attitude toward all the laws that are enacted. That attitude is one of respect and obedience. As long as the law is law, it must be obeyed in letter and in spirit. If any law does not meet with general approval, it can be annulled. Until it is, those who seek their highest welfare and the good of the state will obey it.

FOR FUTURE STUDY

A. Problems.

1. What measure do you think should be enacted into a law?
2. How would you go about making this measure a part of the law of the state?
3. Who represents your district in the state Senate?
4. Who represents your district in the state Assembly?
5. Why is the legislature denied the power to make certain laws?
6. In what sense are there no checks on the popular will in California?
7. In what ways is popular will controlled in California?
8. Why must a Californian be more educated than a Frenchman under Louis XIV?
9. What kind of a person must a state senator be?
10. What kind of a man must the speaker of the Assembly be?

B. Things to Do.

1. Find five laws on the statutes not now in practice. Why do laws "die" without being repealed?
2. Choose some proposed measure that will be on the ballot in our next election. Let the class discuss it as a state senator.

C. Test Yourself.

Which is the most important step in lawmaking?

D. Books.

Holcombe, A. A.: "State Government in the United States."
Dealy, J. Q.: "The Growth of American State Constitutions."

CHAPTER X

HOW THE LAWS OF CALIFORNIA ARE INTERPRETED

The courts. The state of California has established a great number of courts to interpret the laws that have been passed. These courts decide what each particular law means in particular cases. These cases must be brought to the attention of the courts. These cases and courts are of many different kinds. One can understand the work of the different courts by analyzing the different cases that are brought to them.

The criminal case is usually given the most publicity. The procedure in all criminal cases is much the same. The procedure may be briefly summarized in the following steps:

I. The Arrest. The Penal Code states: "A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, one of the following punishments: death, imprisonment, fine, removal from office, or disqualification to hold and enjoy any office of honor, trust, or profit in this state."

The person committing a crime may be arrested in one of two ways: by any one who catches him committing the act; by an officer on a warrant issued by a judge who acts on the sworn testimony of some person. The law requires all persons who are acquainted with violations to arrest or cause to be arrested all violators. Shielding crime is criminal in this state.

II. The Temporary Confinement. The accused is detained until action can be taken by the court. He may be lodged in jail or allowed his freedom on condition that he promises to return for trial. The promise is usually enforced by making the accused furnish bail. Bail is a certain amount of money or property that is held by the

court and forfeited to the state if the accused fails to appear for trial. The amount of bail is fixed according to the nature of the crime and the reputation of the person committing it.

Rights of accused.

According to American custom and tradition, a man is innocent until proved guilty in a legal way. Therefore the accused awaiting trial are treated liberally. Bail must not be excessive or discriminating. Imprisonment before judgment must not be unfair. A lawyer must be supplied by the court, if the accused is too poor to employ one. Severe accusations, like those of murder, compel more drastic but almost as liberal action. Bail in such cases could hardly be expected.

"Due process of law."

From this point two processes may be followed. If the crime is triable by any one of the inferior courts over which a justice of the peace or a city police judge presides, the steps indicated on the left side of the following pages are taken. Crimes tried in these courts are called misdemeanors, since they are only punishable by fines or imprisonment in the city or county jails, or both. If the crime is triable by the Superior Court, the steps indicated on the right side of the following pages are taken. Crimes tried in this court may be misdemeanors or felonies. A felony is a crime punishable by fines, imprisonment in the state penitentiary, or both. The difference between a misdemeanor and a felony is a matter of degree.

Lower Courts.

III. *The Arraignment.*—The accused, now called the defendant, is brought to court. The justice or judge reads the accusation, which includes the information on which it is made. The defendant does one of three things. He may challenge the information on technical grounds. If he proves his point, he is dismissed. He may plead "not guilty." He may plead "guilty." If the defendant pleads guilty, the justice

Superior Courts.

III. *Examination or Indictment.*—Either of these constitutes the next step in bringing the case to the Superior Court.

A. Examination.—The accused, now called the defendant, is taken to the nearest justice of the peace or city police judge having jurisdiction over the case. This magistrate examines the information leading to the arrest. If he be satisfied that the information is not sufficient for

or judge passes judgment at once. (See V.) If he pleads not guilty, the procedure continues as follows:

IV. *The Trial.*—The trial may be by jury or by magistrate. If the trial be conducted by magistrate, the following steps are taken:

1. Witnesses are examined.
2. The arguments of the lawyers on both sides are heard.
3. The judgment of the court is passed.

If the trial be conducted according to the jury system, the following steps are taken:

1. A jury of twelve or of such number as is agreed upon is selected.
2. Witnesses are examined.
3. The arguments of the lawyers on both sides are heard.
4. The charge to the jury is made by the judge.
5. The report of the jury is made. If the jury fails to come to a unanimous decision, the case exists as though it had never been tried. A new jury may be selected and another trial conducted, the case may be dismissed, or a motion of the jury may render a decision of guilty or not guilty.

V. *The Judgment.*—If the jury renders a verdict of guilty, the magistrate passes a sentence of a fine, or imprisonment in the city or county jail, or both.

VI. *The Execution.*—The sheriff and prison officers see that the judgment of the court is executed. If the defendant is unable to pay the fine, he serves an additional day for every two dollars of it. If the defendant has property, the sheriff may seize and sell the same for the fine.

a trial, he dismisses the defendant. If he be satisfied that the information is sufficient, he binds the defendant over to the Superior Court for trial. The district attorney of the county makes a formal charge in writing and declares the information on which it is based.

B. Indictment.—The grand jury of the county that is called for all such cases examines the information presented to it by the district attorney. On such information the jury may indict offenders. If the accused is not in custody his arrest is ordered.

IV. *The Arraignment.*—It proceeds here as in III of the column on the left side of this sheet.

V. *The Trial.*—The trial must be conducted before a jury of twelve persons. Each member of the jury must be acceptable to the defendant and to the prosecutor. Each member must swear that he has no bias due to knowledge of the case or to attitude toward the law involved. Sometimes it takes many days to select twelve jurymen from scores that are called.

The rest of the trial proceeds as indicated in IV in the left column.

VI. *The Judgment.*—If the defendant is found guilty, the judge imposes a sentence of a fine or of imprisonment in one of the state penitentiaries for a certain term; misdemeanors may be punishable by imprisonment in the county jail.

VII. *The Execution.*—The same as in VI in the left column.

VIII. *The Appeal.*—If the defendant or prosecutor be dissatisfied with the decision, he may appeal it by taking the matter to the higher courts, which act in the manner described in VII on the following page.

VII. *The Appeal.*—The defendant, through his lawyer, may get a stay of execution by appealing to a higher court for review of the case.

1. The Superior Court analyzes the case to see if the judge has made an error in some point of law. This court either affirms the judgment of the lower court, modifies the judgment, or reverses the judgment as it sees fit, or orders a new trial. The decision of this court may be appealed by the defendant or the prosecutor in the higher courts in this order:
2. The District Court of Appeal.
3. The Supreme Court.
The decision of this court is final.

The second large group of cases that come to the courts are known as civil cases. They arise out of disputes over personal rights, damages, contracts, et cetera. Arrest and imprisonment are only incidental matters in these cases. They proceed through five steps. These steps are as follows:

I. The Pleadings. This step proceeds through five stages:

1. *The Complaint.*—Any person who feels that he is entitled to bring court action in his behalf must file a statement with the Superior Court stating the facts and his desire. This person is called the plaintiff.
2. *The Summons.*—The court must forward a copy of the complaint to the one against whom it is made. This person is called the defendant. He must answer the complaint within ten days or risk a decision of the court against his interests. The sheriff or any person over eighteen years of age acceptable to the court may deliver the summons.
3. *The Demurrer.*—The defendant files a statement with the court showing wherein the form of the complaint is not proper, and asks that the complaint be set aside.

4. *The Counter-Complaint.*—The defendant files a statement with the court acknowledging or denying the truth and justice of the complaint, that there is really no cause for court action, that he can explain everything satisfactorily, or that the form of the complaint is not proper. He may make a cross-complaint charging the plaintiff with offenses.

5. *The Revision of the Complaint and Counter-Complaint.*—The plaintiff may revise his complaint on examining the counter-complaint. The defendant may make a like revision of his counter-complaint. These revisions continue until the court is satisfied that the points at issue are understood by plaintiff and defendant.

The pleadings indicate finally whether the case is a matter of law or of fact. A judge tries all cases of law and such cases of fact as have to do with equity matter (that is, suppressing nuisances, compelling the meeting of the terms of a contract, issuing an injunction, et cetera). Unless both parties to the case agree on letting the judge conduct the trial, a jury must try cases of fact that have to do with damages.

II. The Trial.

The Trial by Judge.

1. The examination of witnesses.
2. The arguments of attorneys on both sides.
3. The decision.

The Trial by Judge and Jury.

1. The selection of a jury.
2. The examination of witnesses.
3. The arguments of attorneys on both sides.
4. The instruction of the jury by the judge.
5. The verdict of the jury.

III. The Judgment. In either case the judge hands down a decision that settles the difficulty according to the outcome of the trial. The one who loses, or both, may be made to pay the expenses of the court.

IV. The Appeal. The one who loses may appeal from the judgment and have execution stayed by taking the case to a higher court. As in criminal cases, the mat-

ter may eventually come to the Supreme Court of the state for final determination. These higher courts only review the legal aspects of the trial.

V. The Execution. If the requirements of the judgment are not met, the court issues a "writ of execution." This writ orders the sheriff to see that such requirements are met.

Civil cases may be settled by a method called "reference." Except in special cases, both the plaintiff and the defendant must agree to let the judge refer the matter to special referees or to the regular court commissioner of the county for a decision. The judge may accept or reject the decision.

The power of the court. Civil cases may lead to drastic action. The court may order the arrest of the defendant if he attempts to flee from the state. The court may order the sheriff to take possession of the defendant's property if he attempts to sell it to defeat justice. The court may issue a writ of attachment against the defendant's property if he attempts to conceal it to defeat justice. The court may issue an injunction for a specified time to prevent the defendant's activity in certain directions. All these things are done at the initiation of the plaintiff according to law.

Civil cases leading to criminal cases. Civil cases may develop criminal cases. One may attempt to influence a juror with money. Offering a bribe is just as criminal as accepting one. Both may be prosecuted. A witness may deliberately lie under oath. He may then be charged with perjury, a criminal offense. A lawyer may become discourteous in court. The judge may discipline him according to law. In all these matters it must be remembered that the judge is empowered to see that the law is executed according to the law of the constitution, of the statutes, and of

precedent and custom. The court has power to conduct trials according to law and custom.

The Juvenile Court.

The third large group of cases come to the Juvenile Court. These cases involve persons under twenty-one years of age. They are of two kinds: dependency and delinquency. Dependency indicates begging, homelessness, or destitution; delinquency indicates any violation of law that would be a crime if committed by an adult.

Duties of the judge.

The Juvenile Court is presided over by one of the judges of the Superior Court. The procedure is less formal than that of other courts. The judge summons the young offender and his parents or guardian. If he has neither, the judge appoints a guardian over him. The facts of the case are derived by examination. If the judge is assured of the offender's dependence, he commits him to a detention home or reform school, turns him over to any one willing to assume responsibility for him, allows him to return to his parents or guardian on probation, or does what he thinks advisable for the good of the offender. If the judge is satisfied that the offender is a delinquent, he does any of these things with the added provision that the offender is kept under the jurisdiction of the court until he is twenty-one years of age.

Procedure.

This procedure of the Juvenile Court makes necessary many assistants. The county must provide these. The judge appoints a probation committee of seven persons for a term of four years, without pay. The county supervisors supply detention homes and such officers of the same, as superintendents, matrons, et cetera, as are nominated by the probation committee and approved by the judge. All these officials work together to keep the boy safe for himself and society. The detention home is not like a jail in any sense of the word. The sentence is not like a term in a jail.

Jurisdiction. The Juvenile Court has jurisdiction over all persons who contribute to the dependency or delinquency of minors, as well as over all juvenile offenders, save those who are charged with murder. This court has great power, but only to protect minors. It is a new adventure as far as courts are concerned. Better practices are constantly being devised. Judge Lindsey is sometimes called the "father of the Juvenile Court." He was a pioneer in this field. For over a quarter of a century he has tried cases in such a court in Denver. His fair dealings with erring girls and boys, as well as his lectures and books, have brought thousands to study his methods. The public is beginning to see that children must have special treatment by the courts.

Test cases. One frequently hears of test cases. These are not special cases that call for a definite court and court procedure. The case that is first tried under a new law is considered a test case. Sometimes a civil case is started or a law deliberately violated to see what a new law actually means in practice. These test cases are always important. They show that the courts really determine the laws by interpreting them.

Impeachment. There are other kinds of rare cases that need not be studied here. The most important of these should be known, however. The state Senate may resolve itself into a court to try certain officers, as the governor or judges, et cetera, on stated charges. A two-thirds majority of the forty members of the Senate is necessary to convict. This conviction, however, cannot extend beyond removal from office with disqualification to hold office in the future. This is known as impeachment proceedings. The impeachment may be followed by court actions wherein the law takes its regular course.

Judges. Legal procedure in California indicates the importance of able, powerful, and honest judges. The judges are apt to be able because of their legal training and the high requirements set by the voters of the state. They are apt to be powerful because of their long terms, big salaries, and the law's provisions for them. They are apt to be honest because they are supervised and not above dismissal by virtue of a popular recall, impeachment proceedings, and joint resolution of both houses of the legislature.

Lawyers. Legal procedure in California indicates the importance of able and honest lawyers. The requirements of a license to practice law and of the individual's success after one is granted tends to make attorneys more worthy and able. The high code of ethics that is held to by the bar associations and the exacting demands of the courts and the law are constantly raising the standards of the profession. While the lawyer may be scoffed at by some, he and his fellows are working out a plan for making justice a fact; and this is no easy task.

Duties of citizens. Legal procedure in California indicates the importance of wise, honest, and progressive citizenship. The voter must cast his ballot for the right kind of judges and sustain them when they are unjustly assailed. He must be willing to serve on a jury even if that means hardship in one way or the other. He must be willing to serve as a witness and think of nothing but truth and justice for all. He must initiate such laws as he deems necessary and vote wisely on all measures submitted to him. He must vote for wise and progressive lawmakers. In the final analysis, he makes the law and the courts. Therefore, he should study them thoroughly and act wisely, honestly, and progressively.

FOR FUTURE STUDY

A. Problems.

1. What kind of a man should a judge be?
2. What kind of a man should a lawyer be?
3. How should one go about suing a person?
4. What would you do if you were arrested?
5. Why are special courts devised for minors?
6. Which court is the most important one?
7. What must a juror do?
8. Who is your county prosecutor? Why do you think he was elected?
9. What is evidence in a court?
10. Why do the courts take so much time in concluding a case?

B. Things to Do.

1. Visit a court trying a civil case and see if you can tell where the judge sits. The jury box.
2. Who is the bailiff? What does he do? Who is the defendant? The plaintiff?
3. What kind of case is being tried?

C. Test Yourself.

1. What is done with young people awaiting trial?
2. Why are "Detention Homes" needed in every community?

D. Book.

Van Water, Miriam: "Youth in Conflict."

CHAPTER XI

WHAT THE ELECTIVE OFFICERS OF CALIFORNIA MUST DO

Branches of government.

The government of California is divided into three parts. The first part, which makes the laws, is called the Legislative Department. The second part, which interprets those laws, is called the Judicial Department. The third part, which enforces the laws, is called the Executive or Administrative Department. We have seen how the first two departments do their work. Now let us see how the Executive Department does its work.

Executive Department.

The Executive Department is made up of two kinds of officers. One group is elected, the other group is appointed. In this chapter we will see what the elective officers must do.

There are twelve elective officers in the Executive Department. They are the Governor, the Lieutenant-Governor, the Secretary of State, the four district members of the state Board of Equalization, the Controller, the Treasurer, the Superintendent of Public Instruction, the Surveyor-General, and the Attorney-General. Let us see what each of these must do.

Powers and duties of the governor.

The governor is the head of the Executive Department of the state. His power to enforce the laws comes from several sources. In the first place, he is commander-in-chief of the National Guard of the state. This guard consists of several regiments of troops and the naval militia. The National Guard is backed by the reserve militia, which includes all the remaining able-bodied men in the state between the ages of 18 and 45 years. The governor may use all these men "to execute the laws of the state, to suppress insurrection, and to repel invasions."

Appointments. In the second place, the governor's power to enforce laws is derived from the number of appointments he must make. Most of these appointments are made according to the governor's desires. Some, however, are made "by and with the consent of the Senate." The governor exercises a certain influence upon all these appointees by virtue of the fact that he appoints persons friendly to his policies. This influence is increased by the fact that they may be removed and that the governor himself is a member of many boards he has to appoint.

Supervision. In the third place, the governor's power to enforce the laws is derived from his right to supervise the other eleven elective officers. He may require them to give him special reports of their departments in addition to the regular reports. However, his leadership in this field is more apparent than real. Men who have been elected in the same way and for the same term of office are more or less independent in the conduct of their office.

Vetoes and special sessions. In the fourth place, the governor's power to enforce the laws is derived from his influence in making laws. He can see to it that poor laws are not passed through his power of veto. In addition to this he may call a special session of the legislature to devise ways and means of meeting a particular situation. At the opening of every session, he delivers a message calling attention to needful legislation.

Other powers. In all these ways the governor gets the necessary power to execute the laws of the state. This power cannot be abused as long as the people remember their power of recall; as long as the legislature does not forget its power of impeachment; or as long as other elective officers do not fail to hold their ground when they are in the right.

THE STATE CAPITOL AT SACRAMENTO.

The governor not only sees that the law is executed. He can correct certain abuses of the law by his power of pardon. He can also review paroles granted by the State Prison Board. He can remove certain appointees. He can make merit the basis of his selections. Thus we see that the governor of California is a powerful official. He stands at the head of the Executive Department. He is the official head of the state. In all dealings between California and the other states of the Union and with the Union itself he represents the state.

The lieutenant-governor.

The lieutenant-governor is simply the vice-governor. He is the president of the Senate and a member of the Board of Regents of the University of California. He may be called upon to act as governor if the governor is absent from the state, is removed by impeachment, resignation, illness, or death.

The secretary of state.

The secretary of state has many important duties to fulfill. He must keep in file and distribute in bound volumes all acts of the legislature and decisions of the state Supreme Court and District Court of Appeal. He must keep a record of all important transactions of the state. He must keep the great seal of the state. He takes an important part in all elections and in the formation of counties and the incorporation of cities. The secretary of state acts as the secretary of the Executive Department.

State Board of Equalization.

The State Board of Equalization consists of five members: the controller, and one person elected from each of four districts into which the state is divided. This board must fix the tax due from corporations, determine how much property of such corporations is to be left for local taxation, equalize the assessments made by local assessors of the real estate of banks and insurance companies, and report to the governor the acreage of taxable land in every county, the value of all city lots and personal

property, etc. This board meets in the capitol, where it has permanent offices.

State controller. The controller is a member of the Board of Equalization and is its principal agent. He publishes the records of assessments made by the board and enforces their payment. He notifies corporations of failure in paying their taxes and of the penalties attached to the same. He must keep such a record of the state's finances that he is able to inform the governor or the legislature at any time of the status of any or all the state funds. He must settle the accounts of all persons indebted to the state, audit and draw warrants on the treasurer for all claims against the state. He must submit to the Board of Control the state budget made from reports given him by the heads of the various state departments, boards, and institutions. He directs the financial dealings between the state and counties. He must publish reports of the financial

WHY DOES THE STATE BUILD SUCH FINE ROADS THROUGH UNINHABITED PLACES?

dealings of the counties and cities of the state. He is, in fact, the chief financial officer of the state.

State treasurer. The treasurer performs the usual duties of such an office. He receives, keeps, and disburses the money of the state according to law and keeps accurate records of the same. He keeps the controller informed of the exact condition of the treasury.

State superintendent of public instruction. The superintendent of public instruction heads the school system of the state. He directs the educational work of the state. He must see that the laws of the state concerning education are enforced. He must divide the state school funds among the counties. He must keep the governor informed of the condition of the schools and the local school officers of the laws pertaining to their duties. He is the executive secretary of the State Board of Education. He is a member of the Board of Regents of the University of California. His duties are so numerous and varied that he requires a whole department of expert assistants to help him in carrying on his work. This department plays an important part in making the schools of the state the best in the land. See Chapters XII and XIII.

State surveyor-general. The surveyor-general determines the boundaries of counties and of all political subdivisions. He takes charge of the land belonging to the state given it by the government of the United States. Most of this land has been sold in tracts of not more than 640 acres to one person.

State attorney-general. The attorney-general is the lawyer for the state. He acts as legal adviser of these elective officers and appointed boards having no special lawyers provided. He must see that the judgments of the courts favoring the state are executed. He must supervise county district attorneys and aid them as he sees fit. He must protect the interests of creditors in case of insolvent

insurance companies, building and loan associations, and banks. The attorney-general has charge of most of the legal business of the state.

State election. All these elective officers are elected for a term of four years. They are elected on the Tuesday after the first Monday in November. In the fall of 1926 and every four years thereafter, state elections are held. Those elected take office in the January after their election. All but the governor and lieutenant-governor must furnish bonds to insure the faithful performance of their duty. If an officer dies or is removed from office, the governor fills the vacancy by appointment.

Reports. Each of these elective officers must make a report to the governor at stated times. Each of them appoints many persons to aid him in the discharge of his duties. The salaries of these appointees were determined years ago when the buying power of the dollar was almost twice that of to-day. As a result there are hundreds of men in the employ of the state whose salary conditions are not as good as those of their predecessors.

Salaries. The governor receives $10,000 a year; the lieutenant-governor, $4,000; the controller, $5,000; the secretary of state, $5,000; each member of the state Board of Equalization, $4,000; the treasurer, $5,000; the superintendent of public instruction, $5,000; the surveyor-general, $5,000; the attorney-general, $6,000. Most of the appointees receive much less than these elective officers.

California's wealth and opportunity. The State of California is rich enough to meet the expenses of a government carried on by well-paid and efficient experts. From many points of view California is the richest state in the Union. In area, it is second only to Texas; in per capita wealth, it is second to none. California leads the states of the Union in the production of twenty-one important farm prod-

ucts. But only a beginning has been made in developing the resources of the state. The few Indians who used to live in the area now called California were starving. The few Spaniards who came to possess the land had a hard time in trying to prosper. To-day millions are living on the land. Millions more can live on it if more acreage is irrigated, more harbors are made, more trees planted, more factories established, and more resources like oil and water and gold developed.

Sources of state income.

Only a small percentage of the state's enormous wealth is used for the conduct of government. Only a few sources of wealth are tapped for the purpose. These sources are as follows:

1. Various taxes:
   1. On certain corporations, as banks and insurance companies, etc.
   2. On franchises granted certain corporations for the exercise of extra privileges, use of roads, etc.
   3. On corporation licenses that all corporations are required to pay regardless of other kinds of taxes.
   4. On inheritance from deceased persons. Widows and minors receiving less than $25,000 and benevolent social agencies are exempt.
2. Various fees collected by state officers and from all state licenses.
3. Various sales of products made at state prisons, of state property and investments, of surplus materials on hand, and of estates that have reverted to the state.
4. Various funds turned over to the state by the counties and by the United States Government.

Disbursement of state funds.

The state receives each year over a hundred million of dollars from these sources. This great income is distributed according to law among the many agencies of the state. Sometimes one

hears a complaint against the amount of taxes that must be paid. But a good citizen never cares how much taxes he must pay as long as he receives sufficient benefits in return. A citizen of California has little cause for complaint. He pays little and receives much. He contributes his mite and receives the protection of millions of people and of measureless wealth.

Voter's responsibility.

The collection and distribution of these sums require great wisdom and abiding honesty on the part of the executive officers of the state. Their conduct means much for the prosperity and happiness of the people. We people therefore must choose them wisely, give them the support they have a right to expect, and keep in touch with their activities.

FOR FUTURE STUDY

A. Problems.

1. In what way has the governor legislative power? Judicial power? Executive power?
2. What kind of a man ought the governor to be?
3. How many of these elective officers must be specialized experts?
4. Why ought specialized experts to be appointed or selected by civil service rather than be elected?
5. Which elective officer is most important? Why?
6. Why must the state have a militia?
7. In what ways are the militia and United States army different?
8. Why does the state tax corporations?
9. Why are the various elective officers paid differently?
10. How are elective officers in California kept responsible?

B. Things to Do.

Find out ten facts about the present governor of California.

C. Test Yourself.

Name the elective officers of the state.

D. Book.

Dealey, J. R.: "Growth of American State Constitutions,"

CHAPTER XII

WHAT THE APPOINTIVE OFFICERS OF CALIFORNIA MUST DO

Part I. The Departments of the Governor's Council

State appointive officers.

There are many appointive officers in the executive department of the state government. A number of them belong to more or less scattered boards or commissions. We shall study their duties and powers in the second part of this chapter. Many of them, however, belong to one of the great state departments. There are at present nine such departments, namely, the Department of Social Welfare, the Department of Natural Resources, the Department of Finance, the Department of Public Works, the Department of Institutions, the Department of Industrial Relations, the Department of Public Health, the Department of Agriculture, and the Department of Education. Let us study each of them in detail after we have made some general observations.

The Governor's Council.

Each of the great executive departments is headed by a director, who is ex officio a member of the Governor's Council. This council must meet in Sacramento at least once a month. At these meetings each director reports to the governor all matters of interest relating to his department. In connection with the work of the council, the governor may require any director to perform certain other duties. The principal purpose of the council is to aid the governor in the discharge of his duties as administrator of the state's business. In this way the council is more like the board of directors of a business organization than the cabinet of the President discussed in a later chapter.

The directors. These directors are appointed by the governor and serve at his pleasure. Each is responsible for the conduct of his department.

Creation of divisions and bureaus. Except when otherwise provided by law, a departmental director, with the approval of the governor, has power to create new divisions. He may likewise create bureaus and appoint assistants. The divisions and bureaus, so created, perform only such functions as the director may require of them.

The Department of Institutions. The Director of Institutions heads a department which has complete charge and control of the six state hospitals for the insane, the Sonoma State Home for the care and training of feeble-minded children, the Pacific Colony for the feeble-minded, the Industrial Home for the Adult Blind, the Preston School of Industry, the Whittier State School and the Ventura School for Girls. It also has the power to inspect and examine all private and public institutions receiving and caring for insane and other incompetent persons.

The Department of Social Welfare. The Department of Social Welfare is under the control of the Social Welfare Board, which consists of seven members. One of these members is known as the Director of Social Welfare and is the chairman and executive officer of the board. The other six members are appointed by the governor for a term of four years but receive no compensation except their actual and necessary traveling expenses incurred in the discharge of their duties.

Duties. The duties of this department are varied and far-reaching. Its main purpose, however, is to supervise and inspect all activities, public or private, which extend help and aid to certain dependent or delinquent members of society. Thus, it issues licenses, either directly

or through local inspection services approved and accredited by it, to such institutions as orphanages, day nurseries, and other children's homes and to homes for the care of aged persons. The department has powers to inspect and make reports on such state, county and municipal institutions as prisons, jails, detention homes, correctional schools, hospitals, and almshouses. It may investigate the accounts and expenditures of all public officers having control of funds for the relief of the poor.

Dependent children.

This department issues permits to societies and others engaged in the work of placing children in homes. This board was once known as the Board of Charities and Corrections.

Department of Industrial Relations.

The Department of Industrial Relations is under the administrative control of the chairman of the Industrial Accident Commission, who is ex officio the Director of Industrial Relations. The department consists of five separate divisions, namely, the Division of Industrial Accidents and Safety, the Division of Housing and Sanitation, the Division of Industrial Welfare, the Division of State Employment Agencies, and the Division of Labor Statistics and Law Enforcement.

The Industrial Accident Commission.

The Division of Industrial Accidents and Safety is under the control of a governing board of three persons who compose the Industrial Accident Commission. The members of this commission are appointed by the governor for a term of four years. One of these members, however, is designated by the governor as chairman of the commission and thereby becomes ex officio the Director of Industrial Relations. The person so designated holds his chairmanship at the pleasure of the governor. The primary function of this commission is to see that safe working conditions are pro-

vided for employees. Its secondary function is concerned with compensation. Their experts carefully investigate the case of each person injured while at work and render a decision and award compensation according to the extent or seriousness of the disability incurred. This commission also administers a type of insurance, known as the State Compensation Insurance Fund, which employers may use to cover such losses. The commission has power to compel employers to use proper methods and devices for the protection of the life and safety of the workmen.

The Division of Industrial Welfare and the Industrial Welfare Commission.

In the Division of Industrial Welfare there is also a commission known as the Industrial Welfare Commission which consists of five members who are appointed by the governor for a term of four years. One of them must be a woman. The Director of Industrial Relations may, at his discretion, appoint one of the members of this commission chief of the Division of Industrial Welfare.

Duties.

The primary duty of the Industrial Welfare Commission is to supervise the conditions under which women and children are employed. They also have power to fix standard conditions of labor and employment and to require adequate lighting, heating and ventilating of the factories and shops employing women and children. They likewise have authority to set maximum hours of work and the minimum wage in the different industries and types of employment engaging women and children.

Commission of Immigration and Housing.

The Commission of Immigration and Housing consists of five members appointed by the governor and serving at his pleasure. It determines policies for the guidance of the department in matters pertaining to immigration and the employment of immigrants. This commission, however, does

not directly control the Division of Housing and Sanitation. This division, as well as the Division of State Employment Agencies and the Division of Labor Statistics and Law Enforcement, is in charge of a chief appointed by the governor and holding office at his pleasure. The salary of each of these chiefs is set by the governor, but cannot exceed $5,000 a year.

The remaining divisions.

Other duties of the Department of Industrial Relations.

The Department of Industrial Relations also discharges the duties formerly performed by a person commonly known as "The Labor Commissioner." These duties are chiefly concerned with the enforcement of certain labor laws; with collection of wages of any who cannot afford a lawyer; with the establishment and management of free employment bureaus and with the licensing of

HOW DO THE ROADS BUILT THROUGH FORESTS AID IN THEIR PROTECTION?

private employment agencies. It also compiles statistics and reports showing the labor situation throughout the state.

The Department of Natural Resources.

The Department of Natural Resources is under the control of an executive officer known as the Director of Natural Resources. In 1927 the department consisted of four divisions, namely, the Division of Fish and Game, the Division of Mines and Mining, the Division of Forestry, and the Division of Parks.

The Division of Mines and Mining is in charge of a chief who is known as the State Mineralogist. He is appointed by the director and holds office at his pleasure. The State Forester, who is appointed by the director upon the nomination of the State Board of Forestry, is chief of the Division of Forestry. General policies for the guidance of this division are determined by the State Board of Forestry, which consists of seven members. These members are appointed by and hold office at the pleasure of the governor. The Division of Parks is under the control of a chief appointed by the director upon the nomination of the State Park Commission. This latter body determines general policies for the administration of the state park system. It consists of five members appointed by and holding office at the pleasure of the governor. The Division of Fish and Game is under the direct control of a commission of three persons who are appointed by the governor and serve at his pleasure, without salary.

In a word, as its name signifies, this department has control of the preservation, conservation, exploitation and development of the natural resources of the state.

Mining.

In the field of mining the department is charged with the duty of gathering and compiling statistics concerning the mineral resources and industries of the state. It catalogues and indexes these data in

order that the same may be available for the use of all interested persons. There are also certain specific duties attached to the department in this field. Thus, it licenses those engaged in the business of refining gold and silver ores. It has general supervision of gas and oil wells to prevent, if possible, the waste of oil and gas.

Forestry. In the field of forestry the department has an elaborate system for the fighting and preventing of forest fires. For this purpose the state is divided into districts. Rangers are appointed and cooperative work is undertaken in connection with private and local agencies and with the federal government. It also has management of the state nursery for the growing of young trees used in reforestation of public lands. Control of all forest and brush lands is also vested in this department.

Parks. With respect to parks, the department has charge of Mount Diablo Park, the California Redwood Park, the tract of land set apart to commemorate the Battle of San Pasqual, and a park on the slope of Mount Tamalpais.

Fish and Game. The department has very broad and general powers over fish and game, and is intrusted with the enforcement of all laws for the protection of fish and game. For this purpose it appoints several hundred assistants (wardens) throughout the state. The department has general charge of the propagation and perpetuation of fish and game. Thus, it maintains fish hatcheries and stocks the waters of the state with young fish, compels the construction of fish ladders, and regulates the use of fish screens. It likewise supervises the importation of game birds and animals, and maintains game farms for the breeding of such game and animals, and controls the state game preservation. Predatory wild animals are killed under its supervision.

Conservation of fish.

The department endeavors to maintain control over all commercial fishermen, dealers in fish, canners and fish reduction plants for the purpose of preventing waste and securing sanitation. Of even more importance and general interest is the exclusive power to issue licenses of all kinds for the taking of fish and game and for the operating of commercial hunting clubs.

WHY SHOULD CALIFORNIA PROTECT THESE BIG REDWOOD TREES?

Department of Finance.

The Department of Finance is under the control of an executive officer known as the Director of Finance, who is appointed by and serves at the pleasure of the governor.

Duties of the director.

This director must visit and inspect the different state institutions from time to time and must examine the books of each at least once each year. He is also required to count the money in the state treasury once a month. Title to all real property acquired by the state is taken by the director in the name of the State of California. With the consent of the head of the department concerned, the director has power to lease for a period not exceeding five years any real or personal property of the state. The director has charge of the investment of various funds in the state treasury including the school land fund, estates of deceased persons fund, public school teachers' retirement fund, and surplus money in the general fund. He is ex officio member of many important boards such as the Veterans' Welfare Financial Board, the State Buildings Bonds Finance Board, and the State Land Settlement Board.

The divisions.

There are three divisions and one board in this department, namely, the Division of Budget and Accounts, the Division of Service and Supply, the Division of Motor Vehicles, and the State Board of Control. The chief of the Division of Service and Supply is appointed by the governor and holds office at his pleasure. The other two division chiefs are appointed by the director. Each chief receives a salary of $5,000 a year except that the Director of Finance may, if he so desires, act as chief of the Division of Budget and Accounts without additional compensation.

Duties of the Department of Finance.

The department must approve all contracts made by any state officer or department. It is also required by law to install and supervise a uniform system of accounting for all persons handling public moneys. Notice of the proposed sale of city and county bonds must be given to the department and the director may become a bidder at such sale with any funds at his disposal.

The department also has charge of the furnishing of office and other supplies to the various state departments. The State Purchasing Agent must see that the purchases of these supplies are made according to the best business procedure. Complete supervision of the State Capitol Building and other state office buildings is under its control. The printing of the laws and of all books and pamphlets published by the various state departments is likewise under supervision of this department. For this purpose it maintains the State Printing Office.

Among the duties of the Department of Finance one might mention the control of the following historical monuments: Colton Hall and Monterey Customs House in Monterey County, Pio Pico's Mansion in Los Angeles County, Sutter's Fort in Sacramento County, Marshall's Monument in Eldorado County and San Pasqual Monument in San Diego County.

The State Board of Control.

While the State Board of Control may be spoken of as a board under the Department of Finance, it has separate duties and distinct functions. It is composed of three persons, namely, the Director of Finance, who is chairman of the board; the chief of the Division of Service and Supply, and the State Controller, all acting ex officio. It makes rules governing payment of state moneys. The State Controller can draw his warrant and the State Treasurer can make payments only if these rules be obeyed. The board holds hearings on claims for the payment of which no money is available. It may recommend to the legislature that such claims be paid by special act.

The Department of Public Works.

The Department of Public Works is under the control of an executive officer known as the Director of Public Works. This department includes five divisions and one commission, namely, the Division of Architecture, the Division

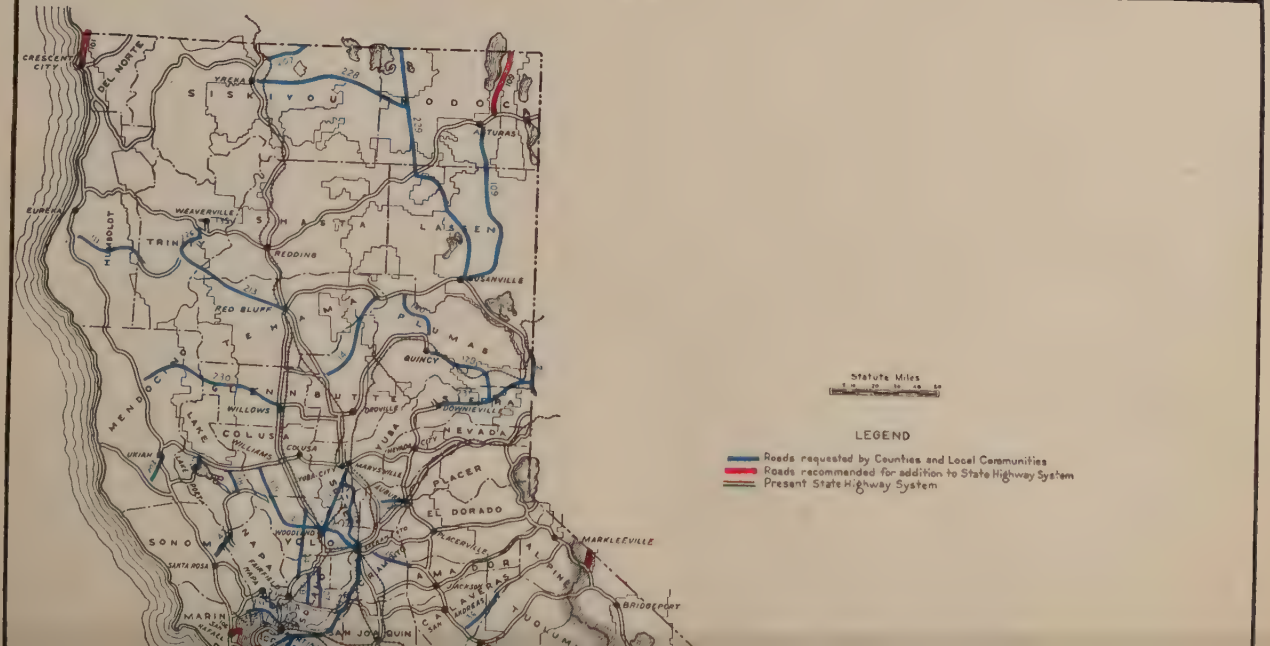
of Highways, the Division of Engineering and Irrigation, the Division of Water Rights, and the California Highway Commission.

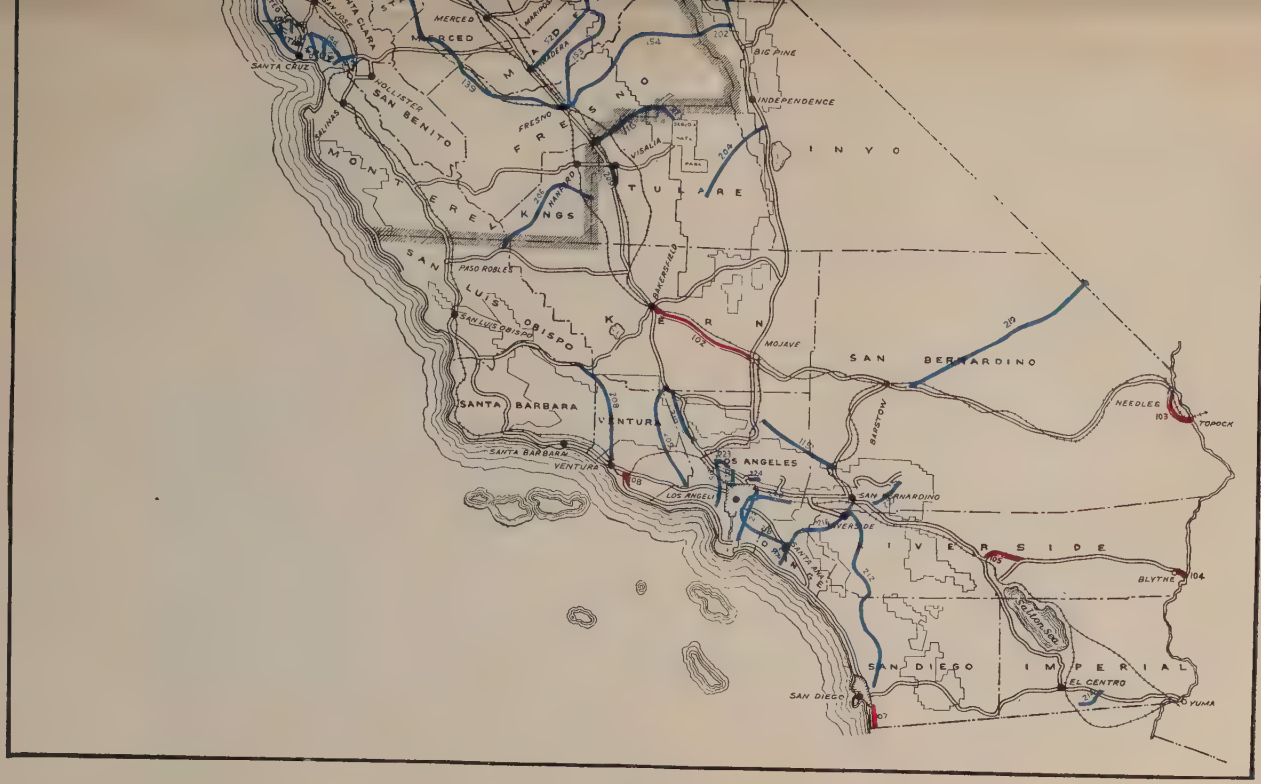
Duties. The duties of this department are varied and far-reaching. It has complete supervision and control over the construction, repair and maintenance of all public works undertaken by the state. The department also has charge of all flood control and drainage work and the rectification of river channels. All dams for the impounding of water must be approved by this department.

The department also has charge of the conservation, development and utilization of the water resources of the state. Thus, it grants permits for the taking of unappropriated water from lakes and streams. It likewise approves plans for irrigation and supervises much of the work of the various irrigation districts located throughout the state. These districts aim to develop and make use of the water supply of the state so that as large an area as possible may be made productive.

California is widely known for her excellent system of highways, of which about 6,500 miles are state highways. This department has charge of the construction, repair and maintenance of all state roads. The department, with the approval of the California Highway Commission, may take private property, if it pays for the same, for the construction of new roads.

California Highway Commission. The California Highway Commission occupies much the same position in the Department of Public Works as the State Board of Control occupies under the Department of Finance. While the commission is under the Department of Public Works, it is a separate body and has certain distinct functions. It is composed of five members appointed by and holding office at the pleasure of the governor.


CRESCENT CITY
DEL NORTE
YREKA
SISKIYOU
MODOC
ALTURAS
EUREKA
HUMBOLDT
WEAVERVILLE
TRINITY
SHASTA
LASSEN
REDDING
SUSANVILLE
RED BLUFF
TEHAMA
PLUMAS
QUINCY
MENDOCINO
WILLOWS
OROVILLE
DOWNIEVILLE
NEVADA
LAKE
COLUSA
WILLIAMS
COLUSA
URIAH
YUBA CITY
MARYSVILLE
PLACER
EL DORADO
SONOMA
YOLO
WOODLAND
PLACERVILLE
MARKLEEVILLE
SANTA ROSA
NAPA
AMADOR
CALAVERAS
MARIN
SAN JOAQUIN
BRIDGEPORT
TUOLUMNE
Statute Miles
LEGEND
Roads requested by Counties and Local Communities
Roads recommended for addition to State Highway System
Present State Highway System


SANTA CRUZ
SAN BENITO
HOLLISTER
SALINAS
MONTEREY
MERCED
MADERA
FRESNO
KINGS
TULARE
INYO
KERN
SAN LUIS OBISPO
PASO ROBLES
SAN LUIS OBISPO
SANTA BARBARA
VENTURA
SANTA BARBARA
VENTURA
LOS ANGELES
LOS ANGELES
SAN BERNARDINO
SAN BERNARDINO
RIVERSIDE
RIVERSIDE
SAN DIEGO
IMPERIAL
BIG PINE
INDEPENDENCE
MOJAVE
BARSTOW
NEEDLES
TOPOCK
BLYTHE
EL CENTRO
YUMA
SALTON SEA
SAN DIEGO

They receive no compensation except their necessary traveling expenses in the discharge of their duties. Most of the money for highway purposes is received from the three-cent tax, which the state charges on each gallon of gasoline sold for use in motor vehicles. Of the three cents thus received, two cents is kept by the state and one cent paid to the counties of the state for road purposes. One half of the state's share of this revenue is placed in the Construction Fund, which is used for the construction of highways, and the other half is placed in the Maintenance and Improvement Fund, which is used mainly for the repair of state roads. The California Highway Commission acts as a budgeting body for these two funds, its main duty being to determine the exact amount of money available for the construction and repair of any given highway. The commission also has power to

A GRADE SEPARATION CROSSING.

What are the advantages of grade separation where the highway crosses a railroad?

abandon highways no longer needed by the public, and may change the route of existing roads.

Supervision of ports.

The Director of the Department of Public Works appoints a surveyor for the ports of Eureka, San Diego, and San Jose. These surveyors have charge of matters pertaining to shipping and navigation such as the erection of wharves and the supervision of wharfingers. They have control of matters pertaining to the navigation of vessels and specific supervision of the piloting and anchorage of ships within their respective ports.

Department of Agriculture.

Some of the most important work of the state is carried on by the Department of Agriculture. This department is headed by the Director of Agriculture, appointed by the governor. There are many divisions in this department, such as the Division of Animal Industry, the Division of Markets, the Division of Weights and Measures, the Division of Plant Industry, the Division of Agricultural Chemistry, and the Division of Land Settlement.

Duties.

The services performed by this department are far-reaching and significant. The department fosters and aids the plant and animal industry of the state. Special attention is given to the prevention and eradication of plant and animal diseases, noxious weeds and animal pests. In this connection, quarantine regulations and inspection stations are frequently established throughout the state and at its borders to prevent the introduction or spread of diseases or pests.

All growers and sellers of nursery trees and plants must obtain a license from the Director of Agriculture. Special attention is also given to the grape industry. The department fosters the development of this industry by collecting information, making reports and giving lectures.

Shipping standards.

The director of this department has charge of the enforcement of those provisions of law which establish standards of quality and packing for the transportation and sale of fruits, nuts and vegetables. It also has charge of the act providing for the standardization of grain. It likewise sees that the legal standards and inspection tests for the sale of milk and milk products are obeyed.

Brand registry.

The department maintains a general supervision over cattle in an endeavor to protect them from theft. Thus, it registers all brands used by the various ranchers throughout the state. It also issues licenses, upon inspection, for the slaughtering of all cattle.

Weighing standards.

The department has general supervision of the weights and measures in use throughout the state. In this connection, it inspects at regular intervals, either directly or through local sealers who in turn are subject to its inspection, all scales and other measures which are in use by the different stores and shops in the various cities and towns throughout the state.

Cooperation between producers and consumers.

The department likewise endeavors to encourage cooperation between producers and consumers of various farm products. Wherever possible, it attempts to promote the interests of both producers and consumers. In furtherance of these duties, the department has recently been given complete charge of the licensing and supervision of produce dealers engaged in the handling and selling of farm products. The department also has complete control of the licensing of those engaged in the marketing of fresh fish.

Division of Land Settlement.

In 1927 the Department of Agriculture became vested with the duties formerly performed by the State Land Settlement Board. The main duty of the department in this connection is the offering of farms for sale to prospective settlers, preferably former soldiers and sailors. Provision is made by law for the improvement of such lands and the extending of lenient terms to the settlers.

Department of Public Health.

The Department of Public Health is under the control of the State Board of Public Health, which is composed of seven members. One of these members is known as the Director of Public Health and is executive officer of the board. The other six members are appointed by the governor for a term of four years.

Duties.

The main object of this department is to protect the health of the public and to prevent, so far as possible, the spreading of diseases. Therefore it endeavors to enforce all health laws and its own regulations, and has power to quarantine all persons, animals and property whenever necessary. It may also abate any public nuisance when necessary to protect the public health. The department likewise has power to prevent the pollution and contamination of the water supply of the state.

The department has sanitary control over all public buildings and approves all sanitary rules prescribed for barber and beauty shops. It also investigates the preparation and sale of food and drugs, and performs such duties as are required by law for the prevention of the adulteration of articles so used.

The department also prepares and sells at cost many serums and vaccines used by physicians in the prevention or cure of disease. It also conducts examinations and issues certificates to graduate nurses.

Another function of this department is in the field of vital statistics. It collects and records the reports of births, marriages, deaths and burials. It also prescribes a form for death and birth certificates and regulates the granting of burial permits.

The Department of Education.

The ninth and last great executive department of the state is devoted to education. The organization of the State Department of Education is similar to that of the other great departments.

The Director of Education.

At its head is a Director of Education. At present, the Superintendent of Public Instruction, elected by the people under the old constitutional provision, is ex officio Director of Education. A proposed amendment to the constitution is to be voted on in 1928 which will, if adopted, make the selection of Director of Education the duty of a Board of Education corresponding in many ways to the Regents of the University.

The State Board of Education.

The legislative and policy making power of the State Department of Education is vested in a State Board of Education, consisting of ten members appointed by the governor, with the consent of two-thirds of the Senate, for a term of four years. The State Superintendent of Public Instruction, elected by the people, is the secretary and executive officer of the board. His duties were discussed in chapter eleven.

The duties of the State Board of Education.

The State Board of Education has many duties and powers. It must adopt rules for the conduct of the schools. It may issue subpœnas to compel the attendance of witnesses before it or any member, in the same manner as the courts of the state. It must adopt and use its own seal for its official acts. It must study the educational conditions and needs of the state, make plans for the improvement of the

schools, and submit a report of its transactions to the governor every two years. It must determine the regulations for the issuance of teachers' certificates. It can revoke the credentials of teachers who have been found unfit to instruct children, as well as grant life diplomas to worthy teachers as defined by law. It adopts the textbooks used in the elementary schools of the state. In brief, the State Board of Education is the administrative head of the schools of the state.

The Divisions of the State Department of Education.

There are ten important divisions in the State Department of Education. Over each division is a chief. Let us briefly describe the work of each of these divisions.

The Division of Rural Education.

The Division of Rural Education must study the problems of the elementary schools located outside of incorporated cities and of such union high school districts as may be assigned to it by the state board. Under the chief of this division must work the supervisor of agricultural education, those who are to enforce the compulsory education act, and those intrusted with the care of the children of migratory workers.

The Division of City Secondary Schools.

The Division of City Secondary Schools has charge of the junior, senior and four year high schools and junior colleges in incorporated cities and in such districts as are assigned to it by the state board. Under the chief of this division work the supervisors of trade and industrial education, homemaking education and civilian vocational rehabilitation education. The staff of this division must give attention to the problems of the secondary schools of the state.

The Division of Adult Education.

The Division of Adult Education must promote and supervise the work of the evening schools of the state and afternoon classes for adults.

The Division of Health and Physical Education.

The Division of Health and Physical Education supervises and promotes the general health program of the state not concerned with any particular school of healing. The division works for the sound body that makes possible the development of a sound mind.

The Division of Special Education.

The Division of Special Education aims to help the physically handicapped children of the state. It is concerned with the establishment and supervision of classes for those having defective speech; the supervision of classes for the deaf and the hard-of-hearing; the study of the problems of the state school for the deaf and the state school for the blind; the establishment and supervision of classes for children with defective vision; the establishment of classes for educating crippled children. This division can do much to bring happiness to thousands of unfortunate children.

Remaining divisions.

The remaining divisions are important but need only be listed here. The Division of Research and Statistics has charge of the records, reports and research studies of the State Department of Education. The Division of Teacher Training and Certification has charge of its credential work and studies of teacher training problems. The Division of Publications and Textbooks has charge of the editing and distribution of state printed textbooks, pamphlets and bulletins of the department. The Division of Libraries has charge of the libraries of the state teachers colleges and of the State Department of Education. The chief of this division is called the State Librarian, who has his office in the State Library at Sacramento. This library is well equipped, and its books are available to all the people of the state. The Division of School House Planning has charge of plans for school buildings in districts not under some city building code.

FOR FUTURE STUDY

A. Problems.

1. Name the nine directors of the nine executive departments.
2. Name the counties from which the present nine directors came.
3. What kind of a man should be appointed to a departmental directorship?
4. Which department is in the best position to protect the people's money? Their lands?
5. Which department aids workmen the most? How?
6. In which department should children be interested most? Why?
7. Why must a member of the State Board of Health be a practicing physician?
8. What is California doing to prevent accidents?
9. What department is responsible for state roads? Can you tell a state road from a county road?
10. How does California provide for the conservation of her natural resources?

B. Test Yourself.

1. Find out where the fish hatcheries are located; the game farms.
2. Find out some way in which the Department of Agriculture affects your life.
3. Name some institution, monument, park or forest directly under a state director which is in your county.

CHAPTER XII

WHAT THE APPOINTIVE OFFICERS OF CALIFORNIA MUST DO

Part II. Scattered Executive Boards and Officers

Scattered boards and officers.

In the first part of this chapter we learned about the nine great departments of the state government, and the governor's council. Outside of these departments are other appointive officers and various boards, commissions and bureaus rendering important service. They work under the governor but are more or less independent of each other. Let us study the more important ones.

The Adjutant-General.

The governor appoints an Adjutant-General, who is Chief of Staff of the National Guard for the State of California. As indicated in a previous chapter, this is always an important branch of the Executive Department. In case of emergency and crises such as invasions, insurrections or riots, it becomes the most important branch of government. The Adjutant-General, who has the rank of a brigadier-general, supervises the organization, training and equipment of the troops. He must keep them fit for service. He acts under the direction of the governor, who is Commander-in-Chief, and serves at his pleasure.

The Superintendent of Banks.

The governor also appoints a Superintendent of Banks who holds office at his pleasure. He supervises the conduct of all state banking firms, issues the required certificates authorizing them to do business and visits them and examines their books at least once a year. He receives a report from each as to his financial condition three or more times a year. The

Superintendent of Banks may take charge of any bank doing business contrary to law or which is insolvent, until such time as the bank is able to properly resume the conduct of its affairs. If he does not deem it proper to allow the bank to resume its business, he proceeds to liquidate its affairs. This officer has power in certain cases to institute legal proceedings for the dissolution of banks. This department is supported by the fees collected by it from the state banks for services rendered.

The various kinds of banks.

According to state law, there are three kinds of banks: savings banks, commercial banks, and trust companies. The savings bank receives money on deposit for which it pays interest. The commercial bank receives money on condition that it may be withdrawn at any time by check or otherwise. A trust company acts as an executor of wills, administrator of estates and as assignee, receiver, or trustee of property of all kinds. Many banks include these three kinds of banking business in their organization as separate departments. Each kind of bank is controlled by law. It is the aim of the law to protect the banking business and those who have made deposits in banks. Since the adoption of the California Bank Act, the losses to depositors in state banks have been greatly reduced. In the savings departments of state banks no losses to depositors have occurred except in exceptional cases where bank funds have been embezzled in large amounts.

State banks are safe.

The Commissioner of Corporations.

The Commissioner of Corporations is chief of the State Corporation Department. He is appointed by the governor and serves at his pleasure. He issues licenses to companies, promoters, agents, brokers and others to sell various forms of securities, the most common of which are called "stocks and bonds." Through the efforts of this office

much has been done to prevent fraudulent practices and the sale of worthless securities. Considerable sums of money have thus been saved for prospective investors, which otherwise would have been lost to dishonest companies and agents.

The Insurance Commissioner.

The governor, by and with the consent of the Senate, appoints an Insurance Commissioner who holds office for a term of four years. He heads the department which supervises the conduct of those engaged in the business of insurance. Thus, he issues certificates of approval for insurance companies to

AN AUTOMOBILE SMASH-UP.

Two persons are killed every hour in automobile accidents in the United States. What can be done to prevent such accidents?

begin operation. He grants licenses to all persons and companies engaged in such business in this state. He must annually inspect all insurance companies and associations, and takes charge of all those which are insolvent or are being improperly conducted. Every insurance company is required to make a report to this department once each year.

Various kinds of insurance.

The commissioner also licenses all agents, solicitors and brokers engaged in the sale of the various types of insurance. There are many kinds of insurance allowed by the law in California. They are readily understood by their names: fire, life, accident, marine, title, plate glass, liability, burglar, workmen's compensation, automobile, etc. Every person having others dependent upon him or having property should carry insurance. The law, the commissioner, and the competition among the companies, tend to make all kinds of insurance easy, safe and certain.

The Building and Loan Commissioner.

The governor appoints a Building and Loan Commissioner who holds office at his pleasure. The bureau which this commissioner heads is supported by the assessments collected for the issuance of licenses. This commissioner supervises and inspects the building and loan companies and associations of the state. Every association or corporation desiring to engage in the building and loan business must secure a license from the commissioner. He is required by law to make annual inspections of all such associations and corporations. If he finds that the same are insolvent or are being conducted in an improper manner, he must take control of their business and proceed to liquidate their affairs. The commissioner grants licenses to all persons engaged in the sale of stock, certificates, securities, and other forms of investment issued by such associations or corporations.

The work of building and loan associations.

There are many building and loan associations in the state. They are organized to aid persons in building their homes. Are there any such associations in your neighborhood? If so, pay a visit to one of them. See how such associations get money to carry on their business. See what one has to do to borrow money from them. Compare their method of financing a home project with that followed by a bank.

Real Estate Commissioner.

The governor appoints a Real Estate Commissioner who serves during his pleasure. He issues licenses to real estate agents and brokers. He may refuse such licenses and revoke or suspend such licenses according to law. He must supervise certain types of subdivisions, farm acreage and colonization as well as institute proceedings against violations of real estate law. He and his assistants must see that the public is protected in selling, leasing and exchanging real estate. This division is supported by fees collected from licensed real estate brokers and salesmen. A directory of these persons must be published by this department every March and November.

The Railroad Commission.

The governor appoints five men for six-year terms to act as a Railroad Commission. This commission, however, regulates the rates and service not only of railroads but of all other types of public utilities. Thus, the commission has jurisdiction over street railways, auto stages, auto trucks, warehouses and companies furnishing such service as water, gas, electricity, telegraph and telephone. Such companies are called public utilities because they render essential public service to the community which they serve. The law provides that such companies must render their service at reasonable rates to all, without discrimination. The commission endeavors to see that the law in this respect is enforced and obeyed.

Interstate Commerce Commission.

The Interstate Commerce Commission, which is under the control of the federal government, performs a similar service in regulating commerce between the different states.

The State Fire Marshal.

The State Fire Marshal is appointed by the governor and holds office at his pleasure. It is his duty to see that all laws relating to the prevention of fire are enforced. He has charge of the licensing of all clothes-cleaning establishments in the state and has power to make rules and regulations for the conduct of such places of business.

Proposed Department of Commerce.

The work of some, if not all, of the above named executive officers might well be organized into another executive department. Plans are now under way for the creation of such a department at the next session of the legislature in 1929. Such a department could be called the Department of Commerce.

Proposed Department of Professional Standards.

There are also a number of boards, as we shall presently see, which examine and license persons engaged in certain professions and personal occupations. These might well be included in another great executive department. In fact, it is also planned to create such a department in 1929, along with the Department of Commerce, to be called the Department of Professional Standards. Let us study the duties of some of these examining boards.

The State Board of Pharmacy.

The governor appoints seven registered pharmacists to act as the State Board of Pharmacy. The term of each is four years and each receives $8 for every working day as well as his necessary traveling expenses. This board examines and licenses pharmacists. It sees that the laws con-

cerning medicines, drugs and poisons are enforced and regulates all sales of the same. It employs persons to examine places where these things are sold. The recently created division of narcotic enforcement is under the control of this board. The chief of this division is appointed by the board subject to the approval of the governor. It will probably, however, have charge of the enforcement of the State Poison Act which regulates the sale of such narcotics as cocaine, opium and morphine. This important function formerly constituted a large portion of the work of the board.

The State Bar of California.

The lawyers of the state are licensed and regulated through what is called the State Bar of California. Every registered attorney of the state is a member of this organization. The officers of the State Bar are not appointed, but are elected directly by the attorneys comprising the same. It is the aim of this organization to establish ethical standards for the legal profession and to require fair and honest dealings on the part of lawyers in all their transactions.

Various other examining boards.

These bodies are typical in purpose of many boards devoted to the examining of persons seeking required licenses to practice their respective trades and professions. The members of most of these boards are appointed by the governor and hold office usually for a term of four years. Thus, for an example, the Board of Medical Examiners has charge of applicants for medical licenses; and the Board of Dental Examiners for dental licenses. Other boards have charge of the issuing of licenses to such persons as barbers, beauty specialists, architects, optometrists, osteopaths, veterinarians, embalmers, and chiropractors. These boards protect the public by refusing licenses to untrained or immoral persons. They generally have power to revoke licenses already granted if the individual is found incompetent or unworthy. Each board

usually has the power to adopt rules and regulations for its own government and to aid it in the discharge of its duties.

The State Board of Prison Directors.

The State Board of Prison Directors consists of five persons appointed by the governor for individual terms of ten years. This board manages the affairs of the state penitentiaries located at San Quentin and Folsom. It appoints a warden for each, makes rules, purchases supplies, grants paroles, and provides for the employment of prisoners. The chief duty of this board is to fix the time of imprisonment of those who receive indeterminate sentences in court.

The Bureau of Criminal Identification.

The Bureau of Criminal Identification consists of three persons appointed by the governor for a term of four years. It keeps a complete record of all known criminals and maintains a finger print record and other data for their identification. Sheriffs and police officers are required to make daily reports to the bureau of all persons arrested or of any stolen property recovered. The bureau furnishes information on request to all proper officers to aid them in the detection of crime.

Advisory Pardon Board.

The Advisory Pardon Board consists of the lieutenant-governor, the attorney-general and the wardens of the two state prisons, all acting ex officio. Upon request of the governor, this board investigates applications for pardons, reprieves and commutations of sentence, and makes a report to the governor to aid him in deciding to grant or to refuse the same.

Legislative Counsel Bureau.

The governor appoints a legislative counsel who is chief of the Legislative Counsel Bureau. He serves at the pleasure of the governor. This officer gives aid to legislators of the state in drafting proposed measures. He also advises the governor

as to the validity and effectiveness of bills passed by the legislature and sent to the governor for his signature.

State Board of Agriculture.

The governor appoints twelve persons to constitute the State Board of Agriculture. They serve without pay for a term of four years. Their chief business is to organize and conduct the great annual state fair. The fair grounds of eighty acres adjoin the city of Sacramento. They are maintained and equipped by the state. Each year the choicest products of the state are exhibited in the buildings located on these grounds. The board publishes a year-book that contains information for those who would help in developing the agricultural pursuits of the state.

State Board of Harbor Commissioners.

The State Board of Harbor Commissioners consists of three persons appointed by the governor by and with the consent of the Senate. This board has charge of the water front at San Francisco and general supervision of matters relating to navigation within the harbor. It appoints wharfingers who care for the discharge of cargoes. It also has charge of the repair and construction of wharves.

Pilots and port wardens.

All ports of the state have pilots and many have port wardens. The pilots attend to the navigation of vessels in and out of the harbor. The port wardens inspect upon request all vessels and cargoes which have been damaged or injured at sea.

The Veterans' Welfare Board.

The Veterans' Welfare Board consists of five members appointed by the governor for a term of four years. It aids men who have served their country in time of war to acquire farms or homes. The people of California voted to issue $30,000,000 of bonds for this worthy enterprise. California never forgets her loyal sons.

State Athletic Commission.

The governor appoints three persons who serve for a term of four years to constitute a State Athletic Commission. This commission has sole supervision of all boxing contests and wrestling matches for which an admission fee is charged.

The State Civil Service Commisison.

Most of the employees of the executive branch of the state government acquire and hold their positions by proving their merit and ability through examinations. The governor appoints three persons for four-year terms to serve as the State Civil Service Commission. It is the duty of this commission to classify all state positions coming under its jurisdiction; to fix and determine examinations for such employees; to maintain eligible lists of such employees as may be required. The chief purpose of this commission is to provide a supply of competent employees to carry on the work of the state under the elective or appointive officers free of political influence. The selection and promotion of employees by means of examinations is called the "Merit System." Other methods of selection and promotion have often been styled the "Spoils System." Which system do you think is the most effective in securing the proper kind of employees in the various types of state positions and employment?

This long list of officers and boards indicates the extent of the state's business. It does not indicate the unity of it. There is of necessity a great deal of overlapping between these various scattered boards and officers. As you have seen, there are many differences in the manner of appointment, length of term and compensation of the members of the boards. The total number of boards, however, has been greatly reduced by the organization of the great executive departments. It is also to be hoped that the great executive departments will tend to consolidate and co-ordinate the carrying on of the work of the state.

FOR FUTURE STUDY

A. Problems.

1. Organize all the scattered boards into as small a number of executive departments as possible.
2. Why does California require so many different kinds of licenses?
3. Which boards should be composed of experts only?
4. How would one go about getting a license to practice medicine in California?
5. Is it safe to deposit money in any state bank in California? Why?
6. How does the Railroad Commission affect most citizens daily?
7. What kind of a man should be appointed to the Railroad Commission?
8. Why are the members of some boards paid while the members of other boards are not?
9. In what way is the Civil Service Commission important?
10. How do you account for the large number of boards in the state government?

B. Things to Do.

Read the license of your doctor, druggist, barber, or of any other person rendering professional service. Who signed it? What rights does it give the holder?

C. Test Yourself.

List ten boards which issue licenses.

D. Book.

Towne, E. T.: "Social Problems."

EXCELSIOR UNION HIGH SCHOOL, NORWALK, CALIFORNIA

How can other rural communities provide similar high schools for their children?

CHAPTER XIII

HOW CALIFORNIA PROVIDES EDUCATIONAL OPPORTUNITIES FOR EVERY ONE

Americans have always recognized the advantages of education. They have lived up to the ideal set by George Washington in his great Farewell Address:

"In proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened."

This principle is also recognized in the Ordinance of 1787:

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."

American enthusiasm for education.

Americans consider education so important that they have delegated to each division of government an active part in establishing schools. Every city, county, and state, as well as the nation, takes an active part in the education of its citizens. Each spends large sums in maintaining schools. Most of this money comes from direct taxation. Some, however, is derived from the sale of public lands set aside for such purposes by the government of the United States. As Western lands were opened, Congress definitely apportioned a certain part of each township for this purpose.

California leads.

The people of California have set the educational pace for the states. For many years the Russell Sage Foundation has made a complete study of education in the forty-eight states. A printed report of this is published each year. This report has always rated the school system of California as the best or next to the best in the Union.

The enrollment in all branches of the California schools more than doubled in the ten years following 1914. In that time the annual expenditure for conducting those schools has increased greatly. These increased expenditures have allowed California to have the finest school buildings, the most competent teachers, and the best school organization of any state in the Union.

The growth of schools.

The superintendent of public instruction of California in the thirty-first biennial report to the governor presents the reasons for the unparalleled expansion of the California school system. These reasons are worthy of study:

> First of all, there has been an unprecedented increase in the population of the state, particularly in southern California and in the San Francisco Bay region. Second, the high schools of California have expanded to include training in the vocations, Americanization, part-time education, and home economics, thus attracting types of people hitherto not interested in high school education. Third, the compulsory education law has been revised in the interest of better enforcement, and state, county, and school districts have co-operated as never before in the enforcement of the educational rights of children. Fourth, there has been, during the last ten years, an improvement in the economic status of the average family which makes it possible for parents to keep their children in school for a longer period. Fifth, the spirit of America was quickened by the World War to a recognition that an American family which neglects to prepare its children to be the best and the most efficient citizens they are capable of becoming, is a "slacker" family.

California provides all types of education. It is possible for one to study almost any subject in one or another of her schools. The state neglects no one who is willing and able to learn.

Compulsory education.

Education is not always a matter of choice in California. All children between the ages of eight and sixteen are required by law to attend school unless excused by the school officials for valid and legal reasons. Children over sixteen years of age are permitted to work, but, except in the small districts,

must attend a part-time day school four hours a week until they are eighteen, or until they have completed the four-year high school course. The state has provided educational opportunities for all and insists that children take advantage of some of these opportunities for at least a minimum length of time. Any other policy would impair the good citizenship of California.

Numerous laws and elaborate organizations are required to conduct all these educational enterprises. We can examine only the more important of these and invite further study of the rest in future years. Would one be a good American if he failed to keep in touch with the schools that are trying to serve him?

LOS ANGELES BUILDS TUNNELS UNDER THE MAIN STREETS NEAR SCHOOLS, AT A COST OF $10,000 EACH. WHY IS THIS DONE?

School districts. We learned in a previous chapter how the county boards of supervisors divided the counties into various kinds of districts. One of these divisions is known as a school district. Each incorporated city in the county constitutes one school district. The county board of supervisors may add to this city school district certain adjacent areas. The board of supervisors of one county may work with the similar board of an adjacent county to make a school district, part of which is in one county and part of which is in the other county. The county board of supervisors may make new school districts from time to time according to law. In 1926-1927 there were 3,234 school districts conducting elementary schools.

High school districts. Any school district which includes an incorporated city or which has an average daily attendance of 100 or more may become a high school district. In 1926-1927 there were 290 of these high school districts in the state.

Union and rural schools. Some rural school districts are too sparsely settled to justify the building of anything more than a one-room school. In 1926-1927 there were 1,754 of these one-room schools. Many more children would have attended one-room schools were it not for the plan followed by some districts. By this plan adjacent districts unite. These union districts erect larger schools and provide transportation to them. In 1926-1927 there were 162 union elementary schools in the state. The union school is in a position to offer to the rural child advantages similar to those enjoyed by children living in cities.

School districts are corporations. The school district is the unit of the state school system. It is a corporation with certain definite powers and duties. These powers and duties are conferred by state laws and must be discharged by the governing board of the district.

School trustees. In rural school districts and in the smaller city or town districts, the governing board is known as the board of school trustees. Each board consists of three members, one of whom is elected each year for a term of three years. If the elementary school district embraces the same territory as the high school district, the same board of trustees has charge of the affairs of both schools.

Union school districts. Where two or more districts unite to form a union school district either for elementary school or for high school purposes, the district is governed by a board of trustees of five members elected by the people.

Boards of education. The larger city school districts are governed by boards of education. The number of members and the manner of their election to these boards varies according to the terms of the city charter. Boards of education have charge of the affairs of all schools of the district including both elementary and high schools.

Duties of school boards. All school boards have the same general powers and duties. These may be briefly stated. Each must maintain school 170 days each year. They must construct and maintain school buildings and grounds. They must employ teachers and such other employees as are required. They must formulate rules for the guidance of these employees, the teachers and pupils. They must prepare a budget to meet the expenses of the district's schools. The county superintendent of schools may suggest changes in the district budget and the county supervisors may question it. The school board, however, has final authority to determine the amount of money to be raised by district tax to support its schools. The school boards must

co-operate with the county boards of education described in Chapter III, and also with the State Department of Education, described in Chapter XII.

The migratory population. Many problems challenge these boards of education. Let us examine several of them. In this state there are at least 15,000 foreign families without any permanent residence. They follow the crops up and down the state to find employment. The children in these families are Americans. They will have the rights of franchise when they grow up. But they are controlled by foreign influences. They need education in American citizenship and life. Migratory schools are being established for their benefit. Foreign language schools conducted by private interests are strictly supervised. Perhaps something should be done for their parents to aid them in the discharge of their duties.

The illiterate. There are about 100,000 adults in California who are unable to read or write any language; about five per cent of these are American-born. Can an illiterate be a good citizen? Can an illiterate vote wisely? These illiterates constitute a real challenge to California. Education is the only means by which they can be made good American citizens.

High school statistics. In 1926-1927, 10,094 teachers instructed the 389,538 pupils enrolled in the 351 high schools of the state. In addition there were 3,380 teachers employed in the 118 junior high schools of the state. The junior high school enrollment was 82,888. These figures show that most of our children are getting a high school education. How much education was offered the last generation?

Junior colleges. There are other secondary school districts in the state known as junior college districts. In 1927, 225 teachers were employed, and 5,585

students were enrolled in the ten junior colleges of the state. In addition, 21 high schools maintained junior college courses; in these were enrolled 2,488 students. These colleges offer two-year courses beyond the high school. Their work is recognized by the universities. By this system of local colleges, students are given some university training near their homes. Is California getting ready to give every one a college education?

Organized education.

The State Board of Education, the county and school district boards of education have co-operated in building an elaborate and effective system of elementary and secondary education for California. In order to carry the education programme of the state to its logical conclusion, there have been established various trade and industrial schools, teachers colleges and finally the great University of California. The university of the state is the last round of the educational ladder. Let us study these higher institutions of learning.

State polytechnic school.

The state maintains a polytechnic school at San Luis Obispo, where agriculture, manual arts, domestic arts, business mechanics, and engineering are taught. Twenty-three buildings and a thousand acres of land offer ample opportunity to any child in the state who seeks a practical type of education above the elementary schools.

Teachers colleges.

The state maintains colleges at San Jose, Chico, San Diego, San Francisco, Santa Barbara, Fresno and Arcata for training the teachers required by the schools. In 1925-1926 the total enrollment in all these teachers colleges was 10,552. The state encourages all types of higher learning carried on in the many private universities and colleges in the state by making them

free from taxation. The state has left little undone in meeting the higher educational need of all its citizens.

THE STATE NORMAL SCHOOL AT CHICO.
(Destroyed by fire, August, 1927.)
Where was your teacher trained?

The University of California.

The University of California is scattered over California. Most of its buildings are located at Berkeley. There are to be found the College of Letters and Science, the Colleges of Commerce, Agriculture, Chemistry and Architecture, and the Schools of Jurisprudence and Education. The Scripps Institution for Oceanography is at La Jolla. The Lick Observatory is on Mount Hamilton. The Hooper Foundation for Medical Research, the Hastings College of the Law, the Medical School, the College of Dentistry, the College of Pharmacy, and the Degree Curriculum for Nurses are at San Francisco. The University of California at Los Angeles in 1925 enrolled almost 10,000 students. In 1925, 2,445 instructors were employed to teach the 25,275 students enrolled in all the departments of the state university.

Extension education.

The University of California carries on a very large extension programme. Some courses can be pursued by correspondence; others by joining classes that can be formed anywhere in the state. Individual lectures by the various university professors are given on request before any group willing to pay a nominal sum for them. In all these ways the university reaches over a hundred thousand persons a year.

The Board of Regents.

The University of California is governed by a Board of Regents. The board is composed of twenty-four members. Sixteen are appointed by the governor for terms of sixteen years. The governor, the lieutenant-governor, the superintendent of public instruction, the president of the university, the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the Speaker of the Assembly, and the president of the Alumni Association of the State University are ex officio members. The university is supported by legislative appropriations and by the interest on money obtained by selling land which Congress granted to the states for such purposes. In 1925-1926, $12,214,562.76 was needed to carry on the work of the university. The value of all its property was $39,668,718.92. These figures, the enrollment, and the character of the work make the University of California the greatest in the world.

Cost of education.

California's investments in education are correspondingly large. In 1925-1926 her school property totalled $361,427,892, and the expenses of operative maintenance totalled $145,593,683.19. She employed 38,808 teachers to instruct the 1,183,474 pupils enrolled in all her schools. She has developed courses of study, adopted texts, supervised her teachers, and erected buildings to the wonder of other states. She can be justly proud of her

position in the educational world. California has shown her faith in the greatest Americanism—educational opportunities for all.

FOR FUTURE STUDY

A. Problems.

1. Why is education the chief business of a state?
2. How would you plan a thorough education from the kindergarten to the university?
3. What schools would you attend in seeking an education?
4. How much does it cost to educate a person from the kindergarten through four years of university?
5. What is truancy? How is it like "desertion" in the army?
6. Compare the school to which you go with that which your father attended.
7. What subjects do you like best? Why?
8. How do you account for the growth of the schools of California?
9. In what way does your school help you to become a better citizen?
10. Why is the teacher the most important officer in the school system of California?

B. Test Yourself.

To whom is a child indebted for his education?

C. Books.

"The Thirty-first Biennial Report of the Superintendent of Public Instruction of California."

Dewey's "Schools of Tomorrow."

CHAPTER XIV

HOW THE PLAN OF OUR NATIONAL GOVERNMENT WAS MADE

Our national government.

In Part I we learned about the governments of our cities and counties. In Part II we learned about the government of our state. Now we have come to the third part of our study. Let us see what we can learn about the government of our country—the United States of America.

The government of the United States is one of the oldest of its kind in the whole world. The reason for its lasting endurance and continued success is in the plan of government and of life upon which it is based. That plan is described in the immortal Constitution. Let us see what kind of a plan of government it provides.

Study of the plan.

Several questions arise as one attempts such a study. How was the plan made? How did it come to be written? What kind of men wrote it? What does it mean? How does it affect people to-day? Why should we be expected to cherish and protect it? These questions should be kept in mind as one reads the following pages and plans one's study. A bit of history that should be known to all might help us.

The Revolution.

About a century and a half ago the thirteen British colonies in America revolted from the mother country. The causes of the revolt were many and of long standing. The result was unexpected and final. After eight years of struggle the colonies found themselves free and independent. They had freed themselves from the power of one government and found that they had little to take its place.

Early difficulties. The provincial government which had carried on the war against Great Britain proved unequal to the tasks arising in the following years of peace. In a few years the condition of the country was almost unbearable. Interstate disorders were frequent and increasingly violent. The years of peace became worse than those of war.

The fishermen of Virginia and Maryland came to blows over fishing rights, while the states themselves quarrelled over the boundaries between them. Disorders with each of the states were common. Seven of the thirteen state colonies were bankrupt. The Continental Congress was powerless and indifferent. Anarchy was slowly developing everywhere. The facts of the situation almost warranted the statement of the English observer: "They would not be ruled by others and now they cannot rule themselves."

Attempts to save the new nation. Various attempts were made to prevent the threatening anarchy, but they led to nothing. Many of the schemes for bringing order only increased the prevailing confusion. One plan, however, led to a series of conferences that finally brought lasting order out of the existing chaos.

The Annapolis convention. A conference was held to settle the boundary dispute between Maryland and Virginia. This conference ended with a proposal to all the states to send delegates to Annapolis in September, 1786. Only five responded. The Annapolis conference ended, however, with a proposal to call another to meet at Philadelphia, May, 1787, "to take into consideration the situation of the United States, to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

THE NATION'S CAPITOL AT WASHINGTON, D. C.

The Constitutional convention.

The convention met as planned. Every state but Rhode Island was represented. Although seventy-three delegates were chosen in all, only fifty-five ever attended one or more of the meetings. The average attendance was only thirty-five. Business began on May 25 and ended on September 17. But what these few men did in so short a time had meaning for their day and all the days which followed.

The real leaders.

Among the delegates were men of recognized genius. George Washington, James Madison, Alexander Hamilton, Benjamin Franklin, and Gouverneur Morris were known in many walks of life as truly great men. They challenge world interest and respect.

Washington.

Washington, the chairman of the convention, had gained an enviable reputation as a great leader. He was "first in war, first in peace, first in the hearts of his countrymen." Franklin was first nominated as chairman but deferred in honor of Washington. This act showed his reputed wisdom and kindness. Washington deserved the position. He was peculiarly fitted for it. His wise and progressive leadership would inevitably develop the dignity and effectiveness required for such an undertaking. He struck the key-note of the convention, the key-note of American civilization, when he said: "Let us raise a standard to which the wise and the honest can repair." He gave expression to America's faith in her destiny when he hastened to add: "The event is in the hand of God."

Madison.

James Madison, the creative genius who fashioned the general structure of the plan, challenges respect as a scholar and as a statesman. He knew the governments of the world. He had carefully analyzed ancient kingdoms and republics. He had become acquainted with the ideals and practices of European nations. Thomas

Jefferson, at that time representing his country at Paris, kept him in touch with European politics and his own great principles of democracy. Few men were more zealous for the establishment of a real and abiding democracy. Few men were more able to put their thoughts into a working plan. Few men were more diplomatic in making their ideas meet with the common approval and support. Madison is sometimes called the Father of the Constitution because it was he who had entered the convention with a plan of government that so closely resembled the one finally adopted. The title is more deserved, however, on account of his telling activity during the entire convention, and his painstaking description of each day's business in the only authentic written accounts we possess.

Hamilton. Alexander Hamilton knew big business. He was the financial expert of his time. Few have ever equalled him in this field. He established a firm basis for the country's financial development. He made it possible for every one to prosper. If he were too conservative at times, it was only because he wanted to make assurance doubly sure that no losses would arise from the great changes that were brought about in converting a monarchy into a republic. In many ways Hamilton was the real "power behind the throne." He kept in constant touch with the leaders in New York City as well as with the events of the convention. His primary concern became one of seeing that the final product was such as could be accepted by the entire country later. Hamilton had a genius for the practical.

Franklin. Benjamin Franklin was the "grand old man" of the convention. He has often been called "the first great American." Few can afford to miss his "Autobiography." His struggle from poverty to riches, from obscurity to distinguished fame and honor at five European courts, from lack of opportunity to the mastery of five languages and the science of his day, command universal respect. Stu-

dent, inventor, philanthropist, statesman, business man, printer, writer, editor, he achieved remarkable success in almost every field of human endeavor. He was the harmonizing spirit throughout the long hot days of the convention. Once when differences threatened the continuance of the meeting, he requested a prayer for peace. At all times his clever wit and common sense brought the delegates to a frame of mind making for good-will, mutual understanding, and the determination to "see the project through." Franklin was the only one who could boast having signed his name to the four greatest documents of his day and perhaps our history: The Declaration of Independence in 1776, the treaties of alliance and commerce with France in 1778, the Treaty of Peace with Great Britain in 1783, and the Constitution of the United States in 1787.

Morris.

Gouverneur Morris was the literary genius at the convention. He put the document into a form defying correction. The addition or subtraction of a word in the Preamble would ruin it. The rest of the Constitution is clear, concise, and compelling. The selection of words and the organization of phrases could hardly be improved.

The delegates were worthy men.

Not all the fathers were men of genius. The surprising thing is that so many of them were. A larger number of great men in so small an assembly, from so small a population, could hardly be expected. As for the rest, who could not be called truly great, they were men who had earned the confidence of the communities in which they lived. Robert Morris, writing to a friend in defense of the delegates and their work, remarked: "I have many reasons to believe that it [the Constitution] is the work of plain honest men and as such I think it will appear."

Another writes: "This convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and

wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultation; and finally, without having been awed by power, they presented and recommended to the people the plan produced by their joint and very unanimous councils."

They represented states.

The delegates went to the convention as representatives of particular states. These particular states were sovereign—that is, they recognized no power above them. They felt that the war had made each of them an independent nation. Therefore, the various delegates thought of their own particular states in terms of local interests.

They had various interests.

Those delegates who came from states with similar interests naturally united during the convention to protect their common interests. For instance, the delegates from the large states united on the plan to have representation in the proposed government according to population, while those from the small states united on the plan to have the states equally represented. Delegates from the slave states would naturally unite to promote the interests of slavery, and those from free states would have to unite to oppose them. Thus were also united in different ways the delegates from rural states, the urban states, the manufacturing states. The questions that brought about the formation of new groupings of delegates were numerous and varied.

Unity and division.

These groupings among the delegates, however, led to unity. The reason for this is not hard to see. Some of the large states, as Massachusetts, were free, and some, as Virginia, were slave. Some of the large states, as Pennsylvania, had manufacturing interests, and some, as the Carolinas, were purely agricultural. In the same way the smaller states were divided. Each state was

united, therefore, with almost every other state on one or more issues; every state was opposed to every other state on one or more issues. Every delegate was willing to unite with some delegates on some issues and was forced to oppose some delegates on other issues. These unities and differences, coupled with the great desire to see the project through to a unity, brought about lasting success to the convention. Had the convention been divided into two or even three kinds of states, united on most of the great issues, nothing could have been accomplished.

They arose above local interests.

With Washington in the chair and Anglo-Saxon procedure similar to the formulations of Robert's "Rules of Order" in constant operation throughout the hot days of the session, progress was inevitable even if difficult. Crises developed. Men left in disgust. Some returned. Debates arose. Committees were appointed. Compromises were effected. Advancement was steady and certain. The final results were all the more satisfactory for all the stress of preceding circumstances.

The convention passed successfully through many storms because the unifying influences were so strong. The fathers were united by ties which had become almost sacred. They took a just pride in their ancestry. They were Englishmen by blood and by inclination. They revered English traditions, customs, and religion. They knew the backgrounds from which their rights, duties, and dignities had developed. They knew the ancient common law of England that had guided them as much as it guided their relatives across the Atlantic.

They had common difficulties.

The fear of Indians, starvation, the royal house of England, and the Spaniards to the south, made them continue together. As in the Revolution, they now faced the peculiar alternatives, "to hang together or to be hanged separately," by enemies or conditions. They were too sensible to let their enemies triumph

through their lack of unity. They were too full of common sense to be argued into anarchy or to allow anarchy to develop through pettiness and discord.

The Atlantic cut them from the rest of the world. They were strangers in a strange land. They could look nowhere for support or sympathy. They had to sink or swim. Their very desire to live united them.

It must be remembered that they were tied together by a common religion, language, experience, and belief. They were frontiersmen. They believed in themselves. They believed in their destiny. They believed that they had a real contribution to make for humanity. They had a point of view that could be called a common one.

They had common aims.

The delegates were after the same things in government and in life. These things are called their aims. Their aims were briefly and beautifully written as an introduction to the plan of government they finally accepted. This introduction, or Preamble, should be committed to memory. In it are found the real purposes of our nation.

They succeeded in their work.

These lines of unity developed a great zeal among them. They wanted to see a great experiment in politics and in life attempted and brought to a successful conclusion. They desired to put the war spirit into a peace programme. If difficulties arose, they were overcome. If discord developed, a greater harmony was finally effected. The task was performed. A plan was devised that left little to be desired. Nationality had triumphed over every provincialism. The fathers had made a nation of thirteen states. The Constitution they framed and adopted was destined to be the hope of that nation for centuries to come.

FOR FUTURE STUDY

A. Problems.

1. Why was the Constitutional Convention called?
2. Sketch the life of the greatest contributor to the success of the Constitutional Convention.
3. Why is Madison called "The Father of the Constitution"?
4. Why was Washington chosen the chairman of the convention?
5. What services could a man such as Franklin render to the convention?
6. To what extent is the Constitution the result of compromise?
7. What forces united the delegates?
8. What forces separated the delegates into groups?
9. How could one prove the strength of the Constitution?
10. The President on being inaugurated recites this oath before the chief justice of the United States Supreme Court:

"I do solemnly swear that I will faithfully execute the office of the President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The teachers in most states are required to swear allegiance to the American plan of government. In California no teacher can be appointed who does not subscribe to the following:

"I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of California; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of teacher, upon which I am about to enter: So help me God."

Almost every one in public office in the United States takes an oath that makes some definite reference of loyalty to the Constitution. What do these things indicate?

B. Things to Do.

Make a short one-act play depicting one of the early meetings of the Constitutional Convention.

C. Test Yourself.

Why would it be unwise to call another convention to make a new Constitution?

D. Books.

Farrand, M.: "The Fathers of the Constitution."
Tappan, E. W.: "The Story of Our Constitution."
Carlton, H. F.: "The Story of the Declaration of Independence."

CHAPTER XV

WHAT THE AMERICAN PLAN OF GOVERNMENT IS

The Constitution. We have seen how the Constitution was framed. Let us now turn to the document itself. Every student of government should read it. Every good American will not have to be urged to read it again and again. Before we go any further let us make sure that we have read it.

The document appears in the appendix of this book. Turn to it and read it carefully. Most persons can read it in a half-hour. How long will it take us to read and understand it? Let us see.

Now that we have read the Constitution of the United States, let us see if we can compare it with the constitution of California. Which is the longer? In what particulars are the two alike? In what particulars are the two different? These questions can be answered at almost any length by comparing the outline of our state government presented in Part II of this text and the plan of government outlined in the Constitution which we have just read. Let us outline the plan of our national government as we outlined the plan of our state government.

There are many ways in which one might make an outline of the American plan of government. The following way is given for criticism and evaluation. Study it with the Constitution in mind.

I. *The Legislative Branch (Organized for Making Laws) Is Divided into Two Parts—the Senate and the House of Representatives.*

This outline shows the structure of the American plan of government. It does not show how the plan works in practice. The following chapters do that. Before we see how the

	SENATE	HOUSE OF REPRESENTATIVES
1. Requirements for memberships:	30 years of age; 9 years citizenship and state residence.	25 years of age; 7 years citizenship and state residence.
2. Members elected by the:	State at large.	Congressional districts every 2 years.
3. Term of members is:	6 years.	2 years.
4. Total members is:	96.	435.
5. Presiding officer is:	Vice-President of the United States.	Speaker.
6. The salary is:	$10,000 a year.	$10,000 a year.
7. Organization is:	By committees according to seniority rule.	By committees according to seniority rule.
8. Important committees are:	Rules. Finance. Appropriation. Public Expenditures. Military Affairs. Naval Affairs. Foreign Relations. Interstate Commerce. Judiciary.	Rules. Ways and Means. Appropriations. Rivers and Harbors. Military Affairs. Naval Affairs. Foreign Affairs. Interstate and Foreign Commerce. Judiciary. Banking and Currency.
9. Exclusive rights are:	1. Ratification of treaties. 2. Confirmation of presidential appointments. 3. Court of impeachment.	1. Impeachment. 2. Initiation of revenue bills.

10. Concurrent powers specifically expressed in the Constitution:	1. To lay taxes. (*a*) Direct (not used since the Civil War, except income tax). (*b*) Indirect: Customs—Tariff. Excises—Internal revenue. 2. To borrow money. 3. To regulate foreign and interstate commerce. 4. To establish naturalization and bankruptcy laws. 5. To coin money and regulate its value; regulate weights and measures. 6. To punish counterfeiters of federal money and securities. 7. To establish post-offices and post-roads. 8. To issue patents and copyrights. 9. To create courts inferior to the Supreme Court. 10. To define and punish piracies and felonies on the high seas; to define and punish offenses against the law of nations. 11. To exercise exclusive jurisdiction over the District of Columbia; to exercise exclusive jurisdiction over forts, dockyards, national parks, federal buildings, etc. 12. To declare war; to grant letters of marque and reprisal; to make rules concerning capture on land and water. 13. To raise and support armies. 14. To provide and maintain a navy. 15. To make laws governing land and naval forces. 16. To provide for calling out the militia. 17. To provide for organizing, arming, and disciplining the militia.
11. Concurrent powers implied by the Constitution:	18. To make all laws necessary and proper for carrying into execution the foregoing powers, for example—To punish the breaking of any federal law. To establish national banks. To improve rivers and harbors. To condemn property by eminent domain.
12. Specific Prohibitions of Congress:	1. Migration or importation of persons approved by states. Now obsolete. 2. Suspensions of habeas corpus in peace. 3. Bills of attainder or ex-post-facto laws. 4. Export taxes. 5. Preferences for states. 6. Expenditures without legal action. 7. Titles of nobility.

governmental machinery does operate, it is well for us to examine the various parts of the machine itself. These parts were made and put together in such a way as to make them effective for over a century. Many nations have studied them and have found it the part of wisdom to use them.

The first part of the outline is a summary of Article I of the Constitution. The form of the legislative branch of the government is revealed. This branch is called the Congress of the United States, and is organized for the purpose of making laws. It is divided into two parts. The first is called the House of Representatives. This is sometimes referred to as "the Lower House," or merely as "the House." Why do you think it is called the "Lower House" of Congress?

The second part of the legislative branch is called the Senate. It is sometimes referred to as the "Upper House." Why? Which would you rather be, a member of the Upper or of the Lower House? Why?

Nations usually adopt the plan of having two houses make their laws. In Germany there is the Reichstag and the Bundesrath; in France there is the House of Deputies and the Senate; in England they have the House of Commons and the House of Lords, to correspond with the House of Representatives and the Senate of the United States. This method of having two houses make the laws for a nation is called the bicameral system. Why is this a better system than the unicameral (the system or plan of having one house make the laws)?

As you study the various parts of our legislative plan outlined below, keep these questions in mind:

1. Why was the system of two houses adopted?
2. How does this affect government?
3. How could this be changed?
4. What would be the advantages of a change in our system?
5. What would be the disadvantages of a change?

In trying to answer these questions, do not forget that one

should understand the government before one attempts to evaluate or judge it. Remember also that government ought not to be changed for trivial or transient reasons. Few changes have been made in our government. The changes that have been made have been difficult to effect.

II. *The Executive Branch (Organized to Enforce Laws) Consists of the President and His Cabinet.*

The second part of the outline of our governmental machinery is a summary of Article II of the Constitution. The form of the Executive Branch of the government is revealed. This branch is headed by the President of the United States and is organized to enforce the laws passed by Congress. The President is assisted by a Cabinet of ten members and by the heads of many independent establishments of government. One is not to be expected to remember all of these departments and bureaus. A brief examination of them shows how many and varied are the duties of the Executive Branch. The most important items of the lists should be committed to memory.

One might compare the Executive or Administrative Branch of our national government with that of our state government. In certain particulars the two are similar. Both are extended and complicated. Both need to be reorganized. In certain particulars the two are different. In the national plan, the heads of the various departments are appointed by the President, with the consent of the Senate; in the California plan, some of the heads are elected and others are appointed. In the national plan, the President is in almost absolute control; in the California plan, the governor is limited by those chosen in the same manner as himself.

The Executive Branch of both our state and our national government differs from that of most European countries. In England, France, Italy, and Germany, for instance, those who administer the affairs of government are directly responsible to

the legislative branch. The Executive Branch of government in these countries is divided into many departments, the heads of which continue in power only as long as they are supported by the Legislative Branch. This is called the Cabinet System of administering the functions of government.

A. The presidency:
1. Requirements: He must be
   (*a*) 35 years of age.
   (*b*) A native of the United States.
2. Election: He must receive
   A majority of votes in the Electoral College.
   The people in each state vote for the presidential candidate they desire through a certain number of persons called electors. The number of these electors is equal to the number of senators and representatives for each state. Together they constitute the Electoral College.
   Election Day: Tuesday following the first Monday in November in years divisible by four.
   Inauguration: March 4 following election.
3. Checks: He can be
   (*a*) Impeached by the House and tried by the Senate.
   (*b*) Overriden in his vetoes by a two-thirds vote of the Senate and House.
   (*c*) Controlled in appointments and in treaty-making by the Senate.
4. Powers:
   (*a*) Executive: He directs the whole machinery of government at home and abroad.
   (*b*) Legislative: He delivers messages to Congress, can veto measures, and may call special sessions.
   (*c*) Judicial: He can grant
      (*a*) Pardons.
      (*b*) Reprieves.
   (*d*) Foreign relations: He
      (*a*) Receives representatives of foreign countries.
      (*b*) Appoints representatives to foreign countries.
      (*c*) Initiates treaties.
      (*d*) Protects Americans in foreign countries.
   (*e*) War powers: He
      (*a*) Is commander-in-chief of army and navy.
      (*b*) Appoints officers of army and navy.
      (*c*) Declares war.
      (*d*) Maintains peace.
      (*e*) Is Dictator in war.

B. The Cabinet: Each Cabinet officer is appointed by the President with the consent of the Senate. Each Cabinet officer has charge of a

particular department. Each department has many organizations to supervise. Most of these organizations are on a civil-service basis. Therefore they remain intact regardless of who is President or Cabinet officer.

1. Department of State (1789): manages the foreign affairs of the United States. This department includes all these branches:
   (*a*) Bureau for Diplomatic Service.
   (*b*) Division of Western European Affairs.
   (*c*) Division of Far Eastern Affairs.
   (*d*) Division of Near Eastern Affairs.
   (*e*) Division of Latin-American Affairs.
   (*f*) Division of Mexican Affairs.
   (*g*) Consular Bureau.
   (*h*) Division of Foreign Intelligence.
   (*i*) Office of Foreign Trade Adviser.
   (*j*) Division of Passport Control.
   (*k*) Division of Russian Affairs.
   (*l*) Bureau of Indexes and Archives.
2. Department of the Treasury (1789): collects, holds and disposes of public funds and provides currency.
   This department includes all these branches:
   (*a*) Commissioner of the Public Debt.
      1. Division of Loans and Currency.
      2. Register of the Treasury.
      3. Division of Public Debt Accounts and Audit.
      4. Savings Division.
   (*b*) Commissioner of Accounts and Deposits.
      1. Division of Bookkeeping and Warrants.
      2. Division of Deposits.
   (*c*) Treasurer of the United States.
   (*d*) Comptroller of the United States.
   (*e*) Bureau of the Budget.
   (*f*) Mint Bureau.
   (*g*) Federal Farm Loan Bureau.
   (*h*) Secret Service Division.
   (*i*) Government Actuary.
   (*j*) Division of Foreign Loans.
   (*k*) Advances and Loans to Railroads Division.
   (*l*) Bureau of Engraving and Printing.
   (*m*) General Supply Committee.
   (*n*) Bureau of the Public Health Service.
   (*o*) Supervising Architect's Office.
   (*p*) The Coast Guard.
   (*q*) Bureau of the Internal Revenue.
   (*r*) Customs Division.
3. Department of War (1789): prepares for and carries on war.
   This department includes all these branches:
   (*a*) General Staff Corps.
   (*b*) Office of Chief of Cavalry.
   (*c*) Office of Chief of Field Artillery.

(*d*) Office of Chief of Infantry.
(*e*) Office of Chief of Chaplains.
(*f*) Office of Chief of Coast Artillery.
(*g*) Militia Bureau.
(*h*) Office of Adjutant-General.
(*i*) Office of Judge-Advocate-General.
(*j*) Office of Inspector-General.
(*k*) Office of Quartermaster-General.
(*l*) Office of Chief of Finance.
(*m*) Office of Surgeon-General.
(*n*) Office of Chief of Engineers.
1. Board of Engineers—Rivers and Harbors.
2. Office of Public Buildings and Grounds.
3. Mississippi River Commission.
4. California Débris Commission.
(*o*) Office of Chief of Ordnance.
(*p*) Office of Chief Signal Officer.
(*q*) Office of Chief of Air Service.
(*r*) Bureau of Insular Affairs.
1. Philippine Government.
2. Porto Rico Government.
3. Dominican Receivership.
(*s*) Chemical Warfare Service.
(*t*) War Credits Board.
(*u*) Inland and Coastwise Waterways Service.

4. Department of Justice (1789): acts as legal adviser of the government and public prosecutor. This department includes all these branches:
(*a*) Solicitor-General.
(*b*) Public Lands Division.
(*c*) Taxation and Insurance Division.
(*d*) Customs Division.
(*e*) Bureau for Defense of Suits.
(*f*) Criminal Procedure Division.
(*g*) United States District Attorney.
(*h*) National Training School for Boys.
(*i*) Bureau of Investigation.
(*j*) Admiralty Finance.
1. Relations and Insular Affairs Division.
(*k*) Antitrust Laws Division.
(*l*) Federal Prison Section.
(*m*) Pardon Attorneys Section.
(*n*) United States Marshals.
(*o*) National Training School for Girls.
(*p*) Department Solicitors.

5. Post-Office Department (1794): collects and distributes mail. This department includes all these branches:
(*a*) Postmaster-General.
1. Division of Postal Savings.

(*b*) First Assistant Postmaster-General.
1. Division of Postmasters' Appointments.
2. Division of Post-Office Service.
3. Division of Dead Letters.

(*c*) Second Assistant Postmaster-General.
1. Railway Mail Service.
2. Division of Foreign Mails.
3. Division of Railway Adjustments.

(*d*) Third Assistant Postmaster-General.
1. Division of Finance.
2. Division of Stamps.
3. Division of Money-Orders.
4. Division of Registered Mails.
5. Division of Classification.

(*e*) Fourth Assistant Postmaster-General.
1. Division of Rural Mails.
2. Division of Equipment and Supplies.
(*a*) Topography Branch.

6. Department of the Navy (1798): maintains the navy. This department includes all these branches:
(*a*) Naval Consulting Board.
(*b*) Compensation Board.
(*c*) Office of Naval Operations.
1. Operating Forces Division.
2. Intelligence Division.
3. Communication Division.
4. Material Division.
5. Naval Districts Division.
6. Inspection Division.
7. Gunnery Exercises and Engineering.

(*d*) Bureau of Navigation.
1. Hydrographic Office.
2. Naval Observatory.

(*e*) Bureau of Yards and Docks.
(*f*) Bureau of Ordnance.
(*g*) Bureau of Construction and Repair.
(*h*) Bureau of Engineering.
(*i*) Bureau of Supplies and Accounts.
(*j*) Bureau of Medicine and Surgery.
(*k*) Office of Judge-Advocate-General.
(*l*) Headquarters Marine Corps.

7. Department of the Interior (1849): manages certain home affairs. This department includes all these branches:
(*a*) General Land Office.
(*b*) Office of Indian Affairs.
(*c*) Bureau of Pensions.
(*d*) Patent Office.
(*e*) Bureau of Education.
(*f*) Geological Survey.
(*g*) Reclamation Service.

(*h*) Bureau of Mines.
(*i*) Governor of Alaska.
(*j*) National Park Service.
(*k*) Alaskan Engineering Commission.
(*l*) District of Columbia Institutions.
1. Saint Elizabeth's Hospital.
2. Columbia Institution for Deaf.
3. Howard University.
4. Freedman's Hospital.

(*m*) Superintendent of Capitol Building and Grounds.
(*n*) Governor of Hawaii.
(*o*) War Minerals Relief Commission.

8. Department of Agriculture (1889) : aids production. This department includes all these branches:
(*a*) Office of Farm Management.
(*b*) Weather Bureau.
(*c*) Bureau of Animal Industry.
(*d*) Bureau of Plant Industry.
(*e*) Forest Service.
(*f*) Bureau of Chemistry.
(*g*) Bureau of Soils.
(*h*) Bureau of Entomology.
(*i*) Bureau of Biological Survey.
(*j*) States Relations Service.
(*k*) Bureau of Public Roads.
(*l*) Bureau of Markets and Crop Estimates.
(*m*) Insecticide and Fungicide Board.
(*n*) Federal Horticultural Board.
(*o*) Division of Publications.

9. Department of Commerce (1903) : aids business. This department includes all these branches:
(*a*) Bureau of the Census.
(*b*) Bureau of Foreign and Domestic Commerce.
(*c*) Bureau of Standards.
(*d*) Bureau of Fisheries.
(*e*) Bureau of Lighthouses.
(*f*) Coast and Geodetic Survey.
(*g*) Bureau of Navigation.
(*h*) Steamboat Inspection Service.

10. Department of Labor (1913) : aids labor. This department includes all these branches:
(*a*) United States Employment Service.
(*b*) Bureau of Immigration.
(*c*) Bureau of Naturalization.
(*d*) Bureau of Labor Statistics.
(*e*) Children's Bureau.
(*f*) Bureau of Housing and Transportation.
(*g*) Women's Bureau.
(*h*) Division of Conciliation.

11. Independent establishments (created by Congress for special tasks):
    (*a*) Library, Printing, and Science.
        1. Library of Congress.
            (*a*) Copyright Office.
        2. Government Printing-Office.
            (*a*) Superintendent of Documents.
        3. Smithsonian Institution.
            (*a*) National Museum.
            (*b*) Bureau of American Ethnology.
            (*c*) National Zoological Park.
            (*d*) Astrophysical Observatory.
            (*e*) International Catalogue of Scientific Literature.
            (*f*) International Exchange Service.
            (*g*) National Academy of Sciences.
            (*h*) *National Gallery of Art.*
        National Research Council.
    (*b*) Commercial and Industrial.
        1. Interstate Commerce Commission (especially over railroads).
        2. The Panama Canal.
        3. Federal Reserve Board (in charge of national banking system).
        4. Federal Trade Commission (investigates unfair business methods).
        5. United States Tariff Commission.
        6. Civil Service Commission.
        7. United States Bureau of Efficiency.
        8. Board of Mediation and Conciliation.
        9. United States Employees' Compensation Commission.
        10. Federal Board for Vocational Education.
        11. Federal Power Commission.
        12. *Comptroller-General of United States.*
        Pan-American Union.
        13. Shipping Board (Merchant Marine).
    (*c*) Miscellaneous:
        1. International Joint Commission.
        2. United States Interdepartmental Social Hygiene Board.
        3. International Boundary Commissions.
        4. Inter-American High Commission.
        5. United States Geographic Board.
        6. Board of Surveys and Maps.
        7. Commission of Fine Arts.
        8. Arlington Memorial Amphitheatre.
        9. National Homes Volunteer Soldiers.
        10. Soldiers' Home, Regular Army.
        11. Board of Road Commissioners, Alaska.
        12. Commission on Navy Yards and Stations.
        13. *Board of Indian Commissioners.*
        The District of Columbia.

III. *The Judicial Branch (Organized to Interpret Laws) Consists of Many Kinds of Courts.*

Difficulties arise when the Executive Department of the government begins to enforce the law passed by the Legislative Department. The law may not be completely understood. It may be violated in spirit and in truth. To meet these situations a third department of government is organized. This is the Judicial Branch, composed of an elaborate system of courts.

We have seen how the laws of California are interpreted (Chapter X). In a similar way the laws of the nation are interpreted by the Judicial Branch of the national government. The national courts have extended jurisdiction. They not only interpret the laws passed by Congress, but decide whether all the laws passed by all the lawmaking bodies in the country are in accordance with the principles of the Constitution. They try cases where prejudice might influence other courts, as when two states get into legal difficulties, or when a citizen of one state sues a citizen of another state.

One might compare the state and national court systems. In what particulars are they similar? In what particulars are they different? Which is the more powerful? Take a case appearing in the newspapers and determine the steps by which justice shall be determined and established by the Judicial Branch of our national government.

1. The Supreme Court: the chief justice and eight associates appointed by the President and Senate for life or good behavior at an annual salary of $20,500 and $20,000, respectively.
   (*a*) This court meets in the capital from October to May.
   (*b*) Decisions by majority voting.
   (*c*) Decisions are printed in "United States Reports."
   (*d*) Hears appeals from lower courts and has original jurisdiction involving states, ambassadors, consuls, and ministers.
2. The Circuit Courts of Appeals.
   The country is divided into nine circuits, over each of which is one circuit court.
3. The United States District Courts.
   The country is divided into eighty-four districts.
   From one to four judges preside in each district.
   These courts have original jurisdiction only.

4. Special courts:
   (*a*) Court of Claims: to settle claims brought against the United States.
   (*b*) Court of Customs Appeals: to hear appeals from custom taxes.
   (*c*) Court of District of Columbia: to try cases in this district, which is not part of any state.
   (*d*) Territorial courts: to try cases in our territorial possessions.

This outline of the Constitution shows the structure of our national government and the extent of its service to the people. Any one can see how good a structure this must be to have served so progressive a nation as ours for so long a time as ours has existed. One is made to marvel at its success.

The Constitution was framed for a struggling people of less than 4,000,000. Ninety-six per cent of them lived on farms and the rest in cities of less than 30,000 population. The Constitution continued as an instrument of government all through a growing period of almost a century and a half. It continues to-day as the basis of a government for 115,000,000 people, twenty-five per cent of whom live in great metropolitan areas.

FOR FUTURE STUDY

A. Problems.

1. How has the Constitution proved its worth?
2. Why should every American memorize the Preamble?
3. What do each of the items of the Preamble mean?
4. Why is it better to have the President and Senate appoint Cabinet officers than to have them elected?
5. Some one has said: "The President is the most powerful ruler on earth." In what sense is this true? In what sense is this false?
6. Who is the present President of the United States? Who are in his Cabinet?
7. Why are there so many members in the Cabinet?
8. Which is the most important Cabinet officer?
9. What kind of men are selected for the Cabinet?
10. What do you think of the proposal to add a Secretary of Education to the Cabinet?

B. Things to Do.

Compare our plan of government with that of Russia, England, France or some other nation in which you are interested.

C. Test Yourself.

What features in our plan of government make it workable?

D. Books.

Bryce, James: "The American Commonwealth." 2 vols.
Ogg, F. A., and Ray, P. O.: "Introduction to the American Government,"
Kimball, E.: "The National Government of the United States."

CHAPTER XVI

HOW LAWS ARE MADE FOR OUR COUNTRY

After we had read the Constitution, we made an outline of its plan of government. The plan is called the structure of government. Now let use see how that plan works. The working of the plan is called the machinery of government. This machinery can be studied best by noting how laws are made.

Ten steps are taken in making laws for the United States. Let us examine each one separately. As we do, let us compare this method with that of our own state.

1. Public opinion.

Public opinion is the first step in lawmaking. We saw the will of the people was the basis of law in California. It is so everywhere in the United States; therefore the popular or public opinion must be the beginning place of lawmaking.

Public opinion may be ignorant or wise, weak or strong, confused or organized. In any case it is the power behind the machine. The only vital question that arises is this: To what extent does public opinion make for real progress? There are several reasons why it is not the progressive force it should be.

Millions of adults in the United States are unable to read any language. Millions more are able to read but do not do so. Millions more are able and willing to read only worthless material. These three classes of illiterates make up a large portion of the public mind. As a result, the public mind frequently errs.

There are many organizations in the country interested only in the welfare of particular groups of people. In the national capital alone there are over 400 agencies working for the passage of laws that benefit these small groups of people. Each of these agencies has able secretaries and assistants, creating,

interpreting, and modifying public opinion to suit their purposes. As a result, many laws are passed that are not beneficial to the country at large.

Sometimes public opinion tends to lose its balance. It may then be too willing to change or too unwilling. Sometimes it is fickle and inconsistent. Then it may elect a Republican President and Democratic Congress, or vice versa, or it may compel the nation to rush into a war. All these things may make public opinion a decided hindrance to real progress.

Public opinion frequently fails to act. It may become indifferent even in a crisis. Why do so many persons fail to cast their ballots at election time? Why do so many fail to study the real problems of the nation that they might vote wisely? Laziness is the chief weakness of public opinion.

Public opinion can be made wise, active, and broad by the daily newspapers, magazines, libraries, and schools. It can be kept from making itself felt when it is not wise by a system of controls and checks that are put into the machinery of our national government. These controls and checks we shall discover as we go on in our study.

2. Writing a measure. Public opinion must be condensed in some definite form to be considered. A specific measure must be written. We saw in Chapter IX how difficult this is. This constitutes the second step in lawmaking.

The writing of a measure is not an easy task. The National Civic Federation, the American Bar Association, the Commissioners on Uniform Laws, the Legislative Reference Bureaus, the state and national libraries collect and organize laws as well as give expert advice on the writing. New York, Massachusetts, Wisconsin, Connecticut, Colorado, and Vermont, as well as California, employ experts to help lawmakers draft

bills. The writing is for experts. They alone can make the bills definite, intelligible, and "fool-proof."

3. Introduction of bill. After public opinion is condensed in the written form of a bill, it must be introduced by a member of Congress. This is the third step in national lawmaking. The bill may be introduced in either the House of Representatives or the Senate, with the exception of revenue bills. These must be introduced in the House.

Congressmen are very obliging in the matter of introducing measures. Their conduct in this regard raises several important questions. Are congressmen representatives of their district or of the entire nation? Are they statesmen with theories and policies of their own or mere reflectors of popular will? Are they leaders or followers in American life and politics? Answers to these questions determine one's attitude toward their genial conduct in introducing measures.

4. Reference to committee. After a measure is formally introduced to the House or Senate, it is referred to a particular committee for consideration. There are sixty-one committees in the House and only thirty-four in the Senate. The more important standing committees in the House are Rules, Ways and Means, Appropriations, Rivers and Harbors, Military Affairs, Naval Affairs, Foreign Affairs, Interstate and Foreign Commerce, Judiciary, Banking and Currency. The most important standing committees in the Senate are those on Rules, Finance, Appropriations, Public Expenditures, Military Affairs, Naval Affairs, Foreign Relations, Interstate Commerce, Judiciary.

Organization of committees. Every member of both houses is put on one or more committees. The committees meet in the various chambers of the Capitol and near-by buildings during the morning of each session. The chairman decides whether the meeting is to be held in

secret or open to the public. He decides whether the discussion may be restricted to members or extended to include any person thought necessary or fit to take part. Frequently public hearings are called to allow any one to plead before the committee. Less frequently investigations are ordered and subcommittees are appointed. Sometimes a measure is merely put aside and never discussed. Sometimes the chairman alone is present; sometimes the whole committee. In short, the committee does as little or as much with each measure as it thinks necessary.

The average number of members a committee has is seventeen. The proportion of Republicans and Democrats on it is much the same as that existing in the House it represents. Thus the committee is a miniature House or Senate and does almost as well by each measure as the larger body would.

Lobbying. Sometimes the committee is unduly influenced. Skilful lawyers, powerful citizens, and professional propagandists exert great pressure on the members while sitting in committee or standing in the lobbies outside. Telegrams and letters from all parts of the country urge one action or the other. Various devices of intimidation are employed. The work of the committee is seriously handicapped. Good bills sometimes die in committee and sometimes bad bills are "reported out." But the committee is still justified.

In the last session of Congress 30,000 measures were introduced. How could such a number be handled if not by the committee system? No better way has been discovered whereby so many measures are reviewed and the great majority killed.

5. The calendar. If the measure is reported out of committee, it is put on the calendar. This calendar indicates the order to be followed in discussing the proposed measures. In the House a Committee on Rules may advance a measure on the calendar. This committee is largely under the control of an unofficial but very important group of men known

as "the steering committee." Since the volume of business before the House is greater than it can perform, and since much therefore must be left undone, the men on the Committee on Rules together with those on the steering committee become the most important group in the House. They determine the real order of business and the time given to each part of it.

In the Senate the calendar is fixed and no changes are made unless determined at informal conferences. From the parliamentarian point of view, therefore, the measure has a better chance in the Senate than in the House. In the Senate, therefore, leadership is more directly the result of personality than in the House, where leadership becomes a matter of occupying important posts.

6. First reading. The sixth step in national lawmaking is concerned with the reading and debate of each measure three times. The first time it is read by title; the second time in detail; the third by title, unless detailed reading is demanded. In the House the discussion after each reading is limited in time by definite rules and to certain members by the speaker.

Senatorial courtesy. In the Senate debate over any measure is not limited. A senator can talk a measure if not himself to death. This right of any member to discussion on any measure retards legislation. As a result, the Senate passes fewer measures than the House. Since more than 5,000 measures are passed, the method is far from disastrous.

Clôture rule. If sixteen senators petition the Senate to stop unlimited discussion and two-thirds of the Senate vote in favor of the petition, discussion is limited. This is a clôture rule that has seldom been applied. It stands, however, as a constant reminder to those who would abuse their rights of speech. It may be invoked at any time.

7. Voting. The seventh step in the legislative process concerns itself with the vote on the measure. While a measure is being discussed, most members of Congress are attending to more pressing matters. They are in the lobbies or offices near by. They know that they can always get a report of what has transpired by reading *The Congressional Record.* Just before a vote is taken, however, a gong resounds throughout the Capitol. The congressmen file into their places. As each hears his name read, he answers "aye" if he is in favor of the measure and "no" if he is opposed to it. A majority of those present at the roll-call following the third reading decides the fate of the measure.

8. Other house. If the bill passes one house, it is sent to the other, where the whole process is followed a second time. If it fails to pass the second time just as it is, it may be referred to a conference committee composed of three men from each body. This committee adjusts the measure to satisfy both houses. If no agreement can be effected, the measure is lost. There is seldom time for a second conference. If an agreement can be made, the measure usually passes.

9. The President. After the majority of both houses has voted in favor of a bill, it is sent to the President of the United States. He may either sign the bill, thus making it a law, or he may return it to that house in which it originated, with his objections to it indicated. Congress can then adjust it to suit his demands or, by passing it again by a two-thirds majority, make it a law without the President's signature.

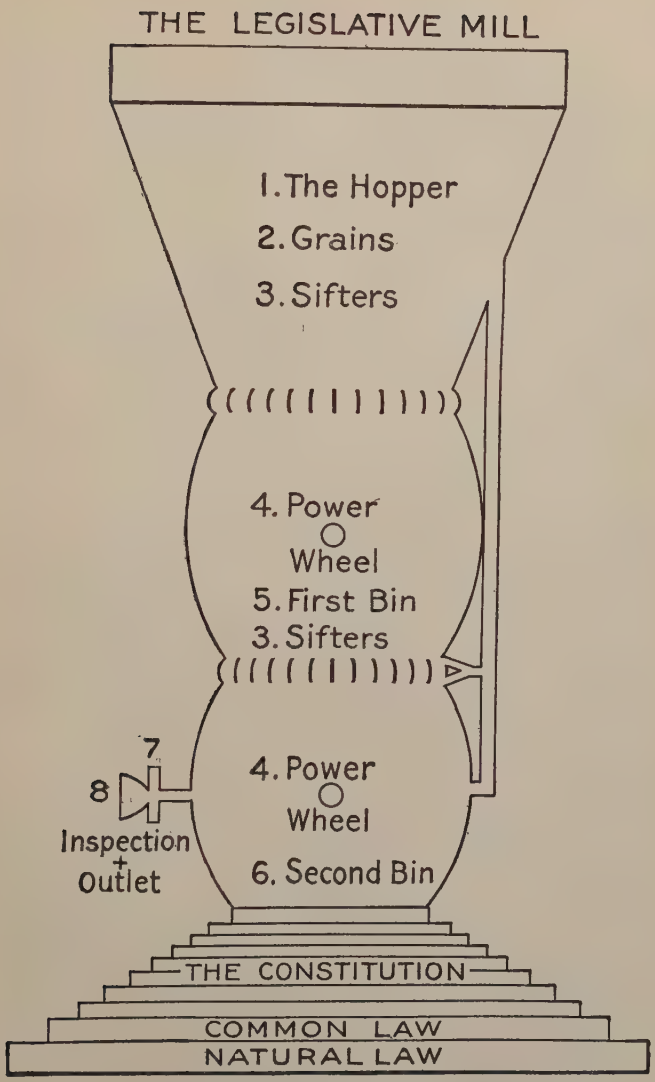
If any bill is not returned by the President within ten days (Sundays excepted) after it has been presented to him, it shall be a law the same as if he had signed it. However, the President need not do anything with bills presented to him during the last ten days of Congress, if he so wishes. The bill is thus

killed automatically. This is called the "pocket veto" of the President.

President's message. The President delivers a message to each session of Congress. In it he lets his wishes be known. This message, his power as party leader, his use of patronage, and his veto power make him a legislative force that must be considered at each step in national lawmaking.

Record of bills. The act signed by the President or passed over his veto is printed or written on parchment and sent to the archives of the State Department. Here it is kept on file for future use. One can imagine the system demanded by this procedure when one recalls the number of these acts and their importance. More than 5,000 are passed each session. All of them affect the life and happiness of the American people.

10. The Supreme Court. The act remains in force unless it is found to be unconstitutional by the Supreme Court or is invalidated by the provisions of a later act. Sometimes one hears that the Supreme Court should not have the power to set aside an act of Congress. If it did not have this power, how could the acts of Congress be made to harmonize with the Constitution? Sometimes one hears the Supreme Court accused of being arbitrary and tyrannical. But that court in over 135 years has declared only 54 acts of Congress unconstitutional. In addition, such action by the Supreme Court does not make the act forever impossible. An amendment to the Constitution can always be added to make the act constitutional. Sometimes the wisdom of appointing the justices of the Supreme Court for life is challenged. But how else could the justices fulfil the mission of the court? How else could the court be kept independent of the Legislative and the Executive Departments of government?



1. The people and their ideas.
2. Measures in form.
3. Committees.
4. Political parties.
5. One house.
6. The other house.
7. President.
8. Supreme Court.

The experience of the United States with the Supreme Court justifies the faith reposed in it. The court does not curtail liberty. It safeguards it against the tyranny of majorities, the fancies of the passing moment, and the caprices of politicians. There is little danger of the American people modifying the power of this court by reducing the terms of the justices, by providing popular elections to recall their decisions, or by making them subject to popular elections.

The whole scheme for making national laws has been called the legislative mill. The diagram on the preceding page illustrates the main outline of that legislative mill—the mechanics of the Constitution can be seen by analyzing it.

FOR FUTURE STUDY

A. Problems.

1. What must one do to put a measure through the legislative mill?
2. What measure do you think Congress should pass?
3. What kind of a man must a United States senator be?
4. Who are the two United States senators from California?
5. What kind of a man must a United States representative be?
6. Who is the representative of your district?
7. Why is the committee system necessary?
8. What is the duty of the Supreme Court with reference to lawmaking?
9. What are the differences between the California system of law and the United States system?
10. In what way does the President influence lawmaking?

B. Things to Do.

Write your Congressman for a list of publications issued by the government to inquiring citizens. Which of these do you want? Which of these could your father or mother use?

C. Test Yourself.

Two candidates for the office of United States senator were described in this manner: The one was forty-five years of age, had no political experience, was a good business man, a church member, and a college graduate. The other was sixty-five years of age, had held political offices for forty years, was a church member, and a graduate of a law school. He was known for his oratory and good fellowship.

For which one would you vote? Why?

D. Books.

Luce, Robert: "Legislative Procedure."
Brown, Geo. H.: "The Leadership of Congress."
Schuyler, C. Wallace: "Our Governmental Machine."

CHAPTER XVII

HOW OUR LOCAL AND NATIONAL GOVERNMENTS ARE RELATED

Unity. The Constitution provides a plan for "the indestructible union of indestructible states." By that plan the government of the United States and the governments of the states were given certain powers and denied certain other ones. Each has a sphere wherein it is supreme. Each limits the other in particular ways. The people, who are the source of all government, must therefore maintain a double system of government. The one is for the entire nation; the other is for the particular states.

This double government for states and nation raises two problems of relationship. How are the various states related to each other? How are the states and nation related to each other? Let us now study these two problems.

Interstate respect. The Constitution and a century of common practices based upon it regulate the relationship between the various states. For instance, each state must recognize the official acts, judgments, and records of every other state. Were this rule not followed, persons married in one state would not be married in others. Persons awarded claims in the courts of one state could not collect them if the defendant went to another state. Only confusion would result if one state refused to aid the rest in upholding the law.

Extradition. The rule of one state to recognize the law and practice of all other states is applied in cases called extradition. Sometimes a man commits a crime in one state and flees to another. The governor of the state "wherein the crime was committed" may request the governor of the state to which the man has fled to return him for trial.

Such a request to extradite a man may be denied, and has been many times in the past.

Interstate citizenship.

This respect of the states for each other leads to many rules for guiding their relationship. Citizens of one state on moving into another are on an equality with its citizens. To protect the incoming citizen, no law can be passed to put him at a disadvantage with those living there. To protect the state, the incoming citizen cannot claim the advantages of citizenship in his home state. The incoming citizen has a right to full citizenship according to the law of the state in which he lives.

State seals.

We learned about the great seal of the State of California. Every state has its own seal with which to stamp official papers. A paper with a state seal on it is authentic in any state. This does away with re-examination.

Powers denied states.

The states engage in many happy relationships because they are prevented from doing many things that might cause trouble. The Constitution specifically states what the states cannot do. They cannot raise armies and navies for invasion. They cannot make war except to prevent invasion. They cannot coin and issue money. They cannot organize a department for collecting and distributing mail. They are not allowed to raise tariff walls.

Interstate commerce.

No state can regulate the commerce going on between the states. There is a national body known as the Interstate Commerce Commission. This body determines such things as railroad rates, routes, and extensions. It does for the nation what the Railroad Commission does for California. The Interstate Commerce Commission has done much to keep the business between the states on a fair basis.

Interstate contracts. One state cannot make a contract with another without the consent of Congress. For instance, Congress has given special permission to New York and New Jersey to make a contract for handling freight in the New York harbor. This policy of congressional control prevents the states from getting into many difficulties.

The states are happily related because of all these regulations. The states and the nation are happily related because of many other regulations. Let us see which are the more important of these.

Delegated powers. The Constitution has not left the relation between the states and the nation to chance. Certain powers are granted to the federal government. These are listed in the Constitution, Article I, Section 8. Read them. They are called "delegated powers" because they have been given to the United States by the states.

Residual powers. Certain powers are retained by the states. These include everything that has not been given to the federal government. They are called "residual powers" because they were the only ones remaining.

Concurrent powers. Certain powers are granted to both state and nation. For instance, the state and nation have the right to tax citizens. These are called concurrent powers because they are granted to both the state and federal governments.

National courts. The relationships between the states and each state and the nation are kept wholesome by a system of federal courts. The country is divided into eighty-four federal court districts. Judges appointed for life by the President and the Senate preside over these courts. Cases are tried in these courts according to the law in much the same way as was described in Chapter IX.

Organization. The country is divided into nine districts or circuits. A Circuit Court of Appeals is established for each of these to review cases coming from the federal

district courts. At the head of the whole federal court system is the Supreme Court. The decisions of this court are final.

Cases. Certain cases are of necessity federal matters. For instance, it would not be fair to try in any but a federal court a case wherein one state sues another. It would hardly be wise to try men in local courts when they have violated the laws of the country.

Constitutionality. Almost any case may come to the federal courts. Every ordinance of law passed by every lawmaking body in the country must be in harmony with the Constitution. Only the federal courts can decide whether a law is constitutional or not. This procedure gives unity to law throughout the country. It protects the people in their rights. It does more than anything else to keep the states together.

FOR FUTURE STUDY

A. Problems.

1. Which government touches the citizen most closely?
2. In which ways are the states like nations?
3. In which ways are the states not like nations?
4. If one state sued another, where would the case be tried?
5. Why are states not allowed to carry on war except to prevent invasion?
6. How does the Constitution effect the unity of the states?
7. How does the Interstate Commerce Commission influence the relationships between the states?
8. What do you think of a "United States of the World"?
9. Which is the closer relationship: the states and nation or the counties and their state?
10. A man denounced the government of the United States. He was arrested. What part of the Constitution could he quote in his defense? Why could we not expect the Constitution to provide for its own destruction?

B. Things to Do.

1. Draw the spheres on page six in such a way as to show how much time you give to each. Draw them in proportion to their importance.

C. Test Yourself.

Discuss the advantages of a United States of the World, wherein the nations of the world would be related in much the same way as are the states in the United States.

What difficulties would arise in forming this United States of the World?

CHAPTER XVIII

WHO IS A GOOD AMERICAN CITIZEN?

The Preamble as our creed.

There are many ways by which one can find an answer to this important question. One can make a study of the Preamble of our Constitution to see what each clause should mean to citizens. Any one would be a good American citizen if he lived in such a way as to make these aims living facts. Study each clause of the Preamble and ask yourself what you would have to do to strive for such a goal.

The Bill of Rights.

The first ten amendments of the Constitution have been called the American Bill of Rights. As you read each of these ten statements, consider what they mean to the individual and the nation which lives by them. Good American citizenship is made possible by the government that is built upon *these ideas.*

The Declaration of Independence.

One could examine the Declaration of Independence to see what the fathers of '76 thought. Read the following paragraph from that great document to see what kind of a person one would have to be to live by such ideals:

We hold these truths to be self-evident, that *all men are created equal,* that they are endowed by their Creator with certain inalienable *rights,* that among *these are Life, Liberty and the pursuit of Happiness.* That to secure these rights, *Governments* are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that *Governments long established should not be changed for light and transient*

causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having as a direct object the establishment of an absolute Tyranny over these States. To prove this let Facts be submitted to a candid world.

Lincoln said, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence." We, too, can gain strength and inspiration by reading it.

The foundations of our government.

The Declaration of Independence and the Constitution were written by men who knew their rights. They knew how hard their fathers in former times had fought for them. As far back as 1215 their ancestors had forced King John to sign a paper on which they had written down their rights as freemen. This paper was called the Magna Charta, meaning the Great Charter. Americans should know this document because it put into written form great ideals of the people. These ideals became the foundation of such papers as the Declaration of Independence and the Constitution.

The Magna Charta.

The following quotations were selected from the Magna Charta. As you read them ask yourself the questions: "What kind of an American would one be who lived by such ideals? What kind of government would be conducted according to these ideals?"

1. "Justice shall not be sold, delayed, or denied to any one." (What do we mean by the term "habeas corpus"?)

2. "No freeman shall be imprisoned or exiled or in any way destroyed except by the lawful judgment of his peers or by the

lawful law of the land." (What do we mean by the term "due process of law"?)

A further reading of the Magna Charta would show how many other American ideals are to be traced to it.

The reading of these great documents helps one to see what American citizenship means. The proper study of the lives of those who wrote those documents and suffered for their principles gives a deeper meaning to American citizenship. One is made a better citizen by getting acquainted with the great citizens of our history.

"Lives of great men all remind us
We can make our lives sublime."

Great Americans. American history is filled with the deeds of great men. A boy would be denying himself a lot of pleasure as well as of profit by failing to read Franklin's "Autobiography." A girl would be losing much in not knowing about Frances Willard. Every one is denying himself real joy and inspiration who does not read some of the many books about such men as Washington, Lincoln, Kit Carson, Robert Fulton, Thomas Edison, and such women as Dolly Madison and Helen Keller. There were great Americans in every generation. There can be great Americans to-day and in all future times.

Not all of the great Americans have their names recorded upon the pages of history. Many live simple, beautiful, and useful lives and are never given special mention. Yet without them the nation would be unable to continue. In their own ways they follow Lincoln's plan without winning his fame—"As I have passed through life, I have plucked a thorn wherever I could and planted a rose wherever I thought a rose would grow."

Another way in which to answer the question of this chapter is by making a list of the rights, the duties, and the dignities of American citizenship. All the above plans will help in this. A further study of Chapter I of the text may help. Browsing

HOW DOES THE NEIGHBORHOOD AFFECT THE VALUE OF THE HOMES IN IT?

CONTRAST THIS HOME WITH THOSE ON FOLLOWING PAGE.

HOW WOULD LIFE DIFFER HERE FROM THAT IN A BIG CITY?

WHY WOULD IT BE DIFFICULT TO KEEP HEALTHY IN SUCH A HOME?

through such masterpieces as are found in Hill and Lyman's books on "Reading and Living" may help. A study of such lists of rights, duties, and dignities as are given in the following pages will help. As you read, see if you can find any right, duty, or dignity omitted.

American rights. Let us begin with American rights. Examine this list.

An American has a right to

1. Live his life as he sees fit as long as he is not interfering unduly with the rights of others.
2. Speak and write what he thinks as long as he is not injuring innocent persons.
3. Worship his God in his own way as long as he is not defeating the nation in its war and peace programmes.
4. Consider his home his kingdom as long as he is not a fugitive from justice.
5. Go where he pleases as long as he is not violating the laws.
6. Consider himself the equal of any one before the law.

In brief, an American has a right to follow his conscience. This right to live according to one's conscience has been purchased at a great cost. Countless numbers of those who have gone before us have suffered and died to make such living possible. But they have sacrificed in vain if we fail to live up to the best that is in us. We must know our rights and dare to maintain them. By exercising our rights, we keep faith with our forebears.

American duties. An American has duties to perform He recognizes his duty to

1. Make the most of himself.
2. Respect the rights of others.
3. Keep informed concerning local, state, and national government.
4. Join a political party.
5. Vote at every election.

6. Serve his country as citizen, juryman, civil officer, soldier or sailor, as required.

In brief, an American wants a square deal for himself, his fellow citizens, and his country. One who fully appreciates his rights should recognize the rights of others. He should be tolerant of the way others think and act. "Live and let live," if properly understood, is a great Americanism.

American dignities.

An American has traditions and ideals to cherish and preserve.

He has a dignity of his own that leads him to

1. Stand, sit, and walk in a healthful manner.
2. Keep clean and neat.
3. Use good English.
4. Patronize only the best theatres, operas, libraries, schools.
5. Treat every one courteously regardless of how he acts.
6. Worship God and endeavor to live according to His will.

In brief, an American should conduct himself in such a way as to command deep respect. Most children know their rights. Not so many know their duties. Only a few know about the dignity of their citizenship. One of the best signs of the development of this knowledge is in living up to and following these dignities in our daily living.

Girls and boys are citizens as well as are men and women. All have to observe these principles of right, duty, and dignity. What would each of these principles require of children citizens in the playground? What would each of them demand of children citizens in the classroom? At home? In the streets? A little thought on these questions and a little action with the answers will help us all become better Americans wherever we are.

FOR FUTURE STUDY

A. Problems.

1. What is the best way in which to learn how to become better Americans?
2. Who do you think is the greatest living American? Why?
3. Who do you think is the greatest American in history? Why?
4. Where is the voting place in your home district?
5. Ask the man in charge of the polling place in your district what steps one must take in voting. What are they?
6. Why should every voter join a political party?
7. To what extent should children help make the rules for governing the classroom? The school? The home?
8. What are the rights of parents?
9. Why must a good citizen be healthy?
10. Do the following tend to make a man a better or a worse citizen?
    - (*a*) Owning his own home.
    - (*b*) Having a vocation.
    - (*c*) Joining a church.
    - (*d*) Holding a public office.
    - (*e*) Going on a vacation.
    - (*f*) Riding a hobby.
    - (*g*) Studying music.

B. Things to Do.

Rate yourself by the following chart made and used by Benjamin Franklin. Mark yourself in percentage using one hundred per cent as perfect.

	SUN.	MON.	TUES	WED.	THURS.	FRI.	SAT.
1. Temperance							
2. Silence							
3. Order							
4. Resolution							
5. Frugality							
6. Industry							
7. Sincerity							
8. Justice							
9. Moderation							
10. Cleanliness							
11. Tranquillity							
12. Chastity							
13. Humility							

C. Test Yourself.

Which virtues in the above list challenge the most? Why?

D. Books.

Franklin: "Autobiography."

Keller, Helen: "The Story of My Life."

Andrews, Mary S.: "The Perfect Tribute."

APPENDIX

A DICTIONARY OF POLITICAL TERMS

ACCLAMATION: The act of voting orally rather than by ballot.

ADJOURN: To suspend business for a time, as from day to day or for a longer time or indefinitely; usually to suspend public business of convened bodies.

ADMINISTRATION: The term during which an administrative officer holds office; usually used in connection with the presidency.

ALIEN: A foreign-born resident of a country in which he is not a citizen.

ALLIES: Members of a compact. In the World War, England, France, and the United States of America were allies.

AMBASSADOR: An accredited representative of one sovereign state to the court of another sovereign state; a diplomatic agent of high rank.

ANARCHY: A condition of society wherein law and organization are lacking—a rule of force.

APPEAL: A proceeding by which a cause is brought to a superior court for re-examination.

APPROPRIATE: To provide funds for a given purpose.

ARTICLES OF CONFEDERATION: The written plan of the government of the United States from 1781 to the adoption of the Constitution.

ASSEMBLY: The name given to the Lower House in some state legislatures.

ASSEMBLYMAN: A member of the Lower House of certain state legislatures.

BALLOT: Originally, a little ball used for secret voting. Now, any object, especially a printed or written ticket. By extension, loosely, the act of voting by a written or printed ticket, whether secret or not. The whole number of votes cast at an election in a given territory or electoral district.

BALLOT-BOX: A receptacle for the deposit of votes.

BILL: The draft of a law presented to the legislative body for enactment.

BLOC: A group of people with common interests that take precedence over the more general interests. The farm bloc, the labor bloc, etc.

BOLT: To secede from a party; to refuse support to one's party.

BONUS: Something given in addition to what is ordinarily received in salary form; extra compensation.

CABINET: Deliberative body composed of the heads of departments; the advisory council of the President.

CAMPAIGN: An organized effort to influence voters in favor of a given candidate or movement.

CAMPAIGN MANAGER: One who directs the political campaign of a given candidate.

CANDIDATE: One who offers himself or is suggested by others as a suitable person for an office.

CAPITALIST: A person of large property who is or may be employed in business. Generally employed to designate those who live by large investments.

CAUCUS: The inner circle of a political party organized to formulate the policies and determine the conduct of the whole party.

CHARTER: The constitution of a city. A written grant of privileges to a corporation by a state.

CITIZEN: An inhabitant of a country enjoying all its privileges. In the United States, all born in the country or duly naturalized.

CIVIL SERVICE: Public service that is not military or naval.

COALITION: Combination of various elements of a party; the union of parties for special purposes or for a given time.

COMMUNISM: A doctrine to hold property in common.

COMPROMISE: To adjust and settle by mutual concessions.

COMPTROLLER: A public officer whose duty it is to examine and certify accounts.

CONFERENCE: A meeting for consultation, discussion, or interchange of opinions. A meeting of the two branches of a legislature through their committees to adjust differences.

CONGRESSIONAL COMMITTEES: The Senate and the House are organized into committees, which hear, discuss, reject, or draft the bills for the consideration of their respective houses. Each committee has jurisdiction over a certain field of legislative action. Every congressman is a member of one or more committees. Membership is on a party and seniority basis.

CONGRESSIONAL DISTRICT: A section of a state entitled to one representative in the House.

CONGRESSIONAL RECORD: A record of the proceedings of both houses of Congress.

CONSERVATIVE: One who is opposed to changes.

CONSTITUTION: The accepted plan of a state or national government.

CONSUL: A commerical agent of a government residing in a foreign seaport.

COPYRIGHT: The exclusive right to reproduce, publish, and sell a song, a story, a book, etc.

CORPORATION: A body of persons duly authorized to act as a single person.

COUNCILMAN: A member of the legislative bodies of some cities elected by wards (*e. g.*, Cincinnati).

DARK HORSE: A candidate unexpectedly nominated by a party as a compromise between factions.

DEADLOCK: A complete obstruction of action. In a national convention, the obstruction of the nomination of a candidate because of the inability of any one man to secure the required majority.

DELEGATE: One sent with authority to act for a community in a party convention or for a nation in international conference.

DEMAGOGUE: One who speaks for a popular approval regardless of his conscience or the merits of his case.

DEMOCRACY: A government of the people, by the people, and for the people.

DESPOTISM: A government by a ruler absolute in power.

DIRECT NOMINATION: Nomination of candidates determined by the same method as the election of them.

DISTRICT: Division of territory for apportioning legislators and public officers; *e. g.*, congressional district has one congressman; assembly district, one state legislator, etc.

ELECTION BOARD: Judges and clerks who conduct an election at a voting place.

ELECTORAL COLLEGE: A body of representatives elected by the several states to choose a President of the United States.

FILIBUSTER: To delay legislation by means of obstructive tactics. Prolonged speechmaking is the usual method of filibustering in the Senate.

FLOOR LEADER: A legislator who directs the activities of the legislators of his party while the legislature is in session.

FREE TRADE: Trade with other countries unrestricted by tariffs or custom duties.

GENERAL ASSEMBLY: The name applied to the Lower House in some states.

HABEAS CORPUS: Any of several common-law writs having for their object the bringing of a party before a court or judge for trial.

HOUSE RULES: Laws and rules formulated by members of the House of Representatives for the conduct of the business of the House.

IMPEACH: To prefer charges of crime or of misdemeanor against a public official.

INCOME TAX: A tax based upon the income of the individual or a corporation.

INITIATIVE: The power of the voters to take the first step in the direction of passing laws.

JURY: A body of men or women sworn to give a true answer or verdict on some matter legally submitted to them. The grand jury is selected to draw up the indictments—the petty jury to try cases.

KEY-NOTE: The fundamental fact or idea that gives the key to a policy, etc. Key-noter is the one who sounds the party policy of a national convention; usually the temporary chairman.

LEAGUE OF NATIONS: A covenant between most of the leading nations of the world to carry on the affairs of the world for their individual and collective advantage.

LOBBY: To solicit votes of members of a legislature to carry a particular measure; a body organized for this purpose.

MAJORITY: The number greater than half; more votes received by one candidate. A two-thirds majority is the number of votes equal to two-thirds of the entire number.

MERIT SYSTEM: A system whereby appointments are made on merit. Diametrically opposed to spoils system, whereby appointments are made on a friendship basis.

MINISTER: A representative of a government transacting diplomatic business abroad.

MINORITY: The smaller or less powerful of two parties.

MOB: A crowd in action under an emotional impulse.

MUNICIPALITY: A town, city, or other district having a local self-government.

NATIONAL BANK: A bank which operates under the federal law.

NATURALIZATION: The process of conferring citizenship on an alien.

NOMINATE: To name as a candidate for an office.

NOMINEE: One accepted by a party to run for some particular office.

ORDINANCE: A regulation passed by a city council. Formerly, any public law.

PATENT: A grant, made by the government, securing to an inventor the exclusive right to make, use, and vend his invention for a limited time.

PLANKS: The various items in a party platform.

PLATFORM: The statement of the programme and policy of a political party.

PLURALITY: The excess of votes of the leading candidate over the one with the next largest number of votes.

POLITICIAN: One engaged in politics as managed by parties; often used disparagingly to imply that one is interested in political offices for his own personal profit.

POLL-TAX: An individual tax. In a few states every voter pays a small sum each year.

PRECINCT: A district within certain boundaries; the unit of the city ward for voting and police control.

PRIMARY: An election for nominating candidates for offices.

PROTECTION: The doctrine that custom duties shall be levied on imports so that home industries may be encouraged and protected; opposed to free trade.

PRO TEM.: Temporary—a chairman pro tem. is one for time being.

QUORUM: Such a number of the assembled officers or members of any body as is legally competent to transact business.

REBATE: Remission or refund; it is now illegal for the railroads to return to favored shippers a portion of paid rates.

RECALL: The power of voters to withdraw an elective officer: first, by means of a petition signed by a certain percentage of voters; and, second, by ballot.

RECESS: Suspension of legislative or judicial business or procedure for a short interval.

REFERENDUM: The referring of measures already passed upon by the legislative body to the body of voters for approval or rejection.

REGISTER: To enroll one's name in a register.

REPRIEVE: An order by the President or a governor to suspend the execution of a sentence for a certain time.

REPUBLIC: A state in which the sovereign power resides in a certain body of the people, and is exercised by representatives elected by them.

RIDER: An addition made to a proposed bill. It frequently happens that Congress forces the President to grant a request by adding to a bill desired by the President some item especially desired by Congress.

ROLL-CALL: The act of calling a list of names for the purpose of registering the vote of each.

SESSION: (1) The actual or constructive assembling of the members of a court, council, or legislature for the transaction of business.

(2) The time, period, or term during which a court, council, or legislature meets regularly for business.

SINE DIE: To adjourn for an indefinite time.

SINGLE TAX: Taxation limited to land values.

SOCIALISM: An economic theory for the reconstruction of society on the basis of co-operation of all in the production, distribution, and consumption of all goods.

SPOILS SYSTEM: A system by which government positions are given as a reward for party services.

STATES' RIGHTS: The right of a state to act independently of any other state or of the centralized government; a theory that sovereignty rests in the states rather than in the United States.

STRAW VOTE: An unofficial vote of a small but representative group of voters before an election, in order to establish a basis for making predictions as to the outcome of the election.

TARIFF: Schedule of dutiable goods specifying the custom rates to be paid on imported goods.

TAX: An assessment charge imposed for public use.

TEMPORARY CHAIRMAN: The presiding officer at the opening of a nominating convention; he presides until the permanent chairman is installed.

UNCONSTITUTIONAL: Contrary to the Constitution.

VETO: The disapproval of a proposed law; the act of an executive declaring void an enactment. The pocket veto is the name given to a method of procedure whereby an executive keeps a bill from passing by refusing to sign it.

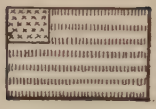
AMERICAN FLAG

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

Our Flag is the symbol of our nation's power, history, and hopes. It must be respected by every citizen of the United States as well as by every nation of the earth. The following rules must be observed:

1. The Flag must always be hung correctly; the starry field or Union should always be uppermost. When it is raised

ON THE STAFF.



AGAINST THE WALL.

OVER THE STREET.

on a staff, the Union should be at the very head of the staff. When it is placed against a wall, the Union should be at the Flag's own right. When it is placed above the street, the Union should be to the north of an east and west street, and to the east of a north and south street.

Note: The proportions of the Flag must always be the same. The width must be three-fifths of the length.

2. No other flag or emblem except the Christian flag should ever be placed above the Flag.

3. No object should be placed upon or to the right of the Flag.

4. The Flag may be held at "half mast" to show respect for the dead. In putting the Flag at half mast, one must raise the Flag to the top of the staff and then lower it to the proper place.

5. The Flag may be placed with the Union down, in cases of distress.

6. The Flag should never touch the ground or water.

7. The Flag should never be used for any advertising purposes.

8. The Flag should never be displayed in such a way as to permit its being easily soiled or damaged.

9. The Flag should never be used as a drapery, a covering for a ceiling, or as a part of a costume, cushion, handkerchief, napkin, or box.

10. The Flag should be greeted with the proper salute.

11. The Flag should not be allowed to fly from a staff after sundown.

12. The Flag should be destroyed by burial or burning.

1. What is the meaning of the stars in the Union?
2. What is the meaning of the thirteen stripes?
3. What is the meaning of each of the colors?

ACT FOR THE ADMISSION OF THE STATE OF CALIFORNIA INTO THE UNION

WHEREAS, The people of California have presented a Constitution and asked admission into the Union, which Constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

1. Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states in all respects whatever.

2. The said State of California is admitted into the Union upon the express condition that the people of said state, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax, or assessment of any description whatsoever, upon the public domain of the United States; and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all navigable waters within the said state shall be common highways, and forever free, as well to the inhabitants of said state as to the citizens of the United States, without any tax, impost, or duty therefor; provided, that nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California, as articles of compact in the ordinance adopted by the convention which formed the Constitution of that state.

3. All laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere within the United States.

Approved September 9, 1850.

CONSTITUTION OF THE UNITED STATES

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes[1] shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.[1] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Provi-

[1] Partly superseded by the 14th Amendment, p. 206.

dence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION 3. 1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.[1]

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.[1]

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is

[1] See the 17th Amendment, p. 207.

tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4. 1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6. 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of

the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the

Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.[1]

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any

[1] See the 16th Amendment, p. 207.

present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States,

directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.[1]

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

[1] This paragraph was in force only from 1788 to 1803. It was superseded by the 12th Amendment, p. 205.

6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment,

he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State;[1] between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State

[1] See the 11th Amendment, p. 204.

where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing

in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V

SECTION 1. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

SECTION 1. 1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the

several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

SECTION 1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independenec of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, *President and Deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—Wm. Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, William Patterson, David Brearley, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Robert Morris, Thomas Fitzsimons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris.

Delaware.—George Read, John Dickinson, Jacob Broom, Gunning Bedford, Jr., Richard Bassett.

Maryland.—James McHenry, Daniel Carroll, Daniel of St. Th. Jenifer.

Virginia.—John Blair, James Madison, Jr.,

North Carolina.—William Blount, Hugh Williamson, Richard Dobbs Spaight.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I[1]

SECTION 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

SECTION 1. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

SECTION 1. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

SECTION 1. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

SECTION 1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

[1] The first ten Amendments were adopted in 1791.

ARTICLE VI

SECTION 1. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

SECTION 1. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII

SECTION 1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

SECTION 1. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

SECTION 1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI[1]

SECTION 1. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

[1] Adopted in 1798.

ARTICLE XII[1]

SECTION 1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

[1] Adopted in 1804.

the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII [1]

SECTION 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV [2]

SECTION 1. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as

[1] Adopted in 1865. [2] Adopted in 1868.

a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV [1]

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI [2]

SECTION 1. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII [3]

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people

[1] Adopted in 1870.

[2] Passed July, 1909; proclaimed February 25, 1913.

[3] Passed May, 1912, in lieu of paragraph 1, Section 3, Article I, of the Constitution and so much of paragraph 2 of the same section as relates to the filling of vacancies; proclaimed May 31, 1913.

thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

SECTION 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; *provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

SECTION 3. This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII [1]

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX [2]

SECTION 1. The rights of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

SECTION 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

[1] Passed January 16, 1919; proclaimed January 29, 1919.
[2] Declared in force August 26, 1920.

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